Calendar No. 645

84TH CONGRESS, 1st Session | SENATE | REPORT No. 640

UNIV. OF MICH.
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HEDI GERTRUDE SPIECKER

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 717]

The Committee on the Judiciary, to which was referred the bill (S. 717) for the relief of Hedi Gertrude Spiecker, having considered the same, reports favorable thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hedi Gertrude Spiecker. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 43-year-old native and citizen of Germany who entered the United States on March 18, 1952, as a visitor. On March 22, 1952, the beneficiary was married to a United States citizen member of our Armed Forces who served in Korea and is presently stationed in Yuma, Ariz. The beneficiary's parents and two children of a former marriage were either killed by the Russian Army or taken captive. A nonquota visa petition was approved June 6, 1952, conditioned upon furnishing satisfactory proof of her former husband's death, which proof has been unobtainable, inasmuch as he died in the Russian Zone of Germany. In the absence of such proof she cannot qualify for nonquota status.

A letter, with attached memorandum, dated August 27, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3449 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 27, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3449) for the relief of Hedi Gertrude Spiecker, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Germany.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HEDI GERTRUD SPIECKER, BENEFICIARY OF S. 3441

The beneficiary, Hedi Gertrud Spiecker, formerly Hedi Gertrud Podszuweit, nee Morgenstern, a native and citizen of Germany, was born on May 20, 1912, in Gumbinnen, East Prussia, Germany. Her last residence abroad was at Munich, Germany. Her only entry into the United States was on March 18, 1952, at New York, N. Y., as a temporary visitor. She was granted extensions of temporary stay in the United States, the last extension expired on January 23, 1954. Deportation proceedings have been instituted and she is charged with, after admission as a visitor for pleasure she has failed to comply with the conditions of such status. The case is presently awaiting a hearing by a special inquiry officer.

The beneficiary was married to Sfc. Robert Thomas Spiecker, a native and citizen of the United States on March 22, 1952, at Columbus, Ga. Sergeant Spiecker is presently stationed in Korea as a member of the United States Army and has about 13½ years' service in the Army.

According to the testimony of the beneficiary, she completed 12 years of schooling in Germany. Her only political activities consisted of assisting in publishing an anti-Nazi newspaper in Gumbinnen, Germany, in 1933 and 1934. She testified that she was arrested by the Nazi Government at Gumbinnen, Germany, in 1933 and charged with working against the Nazi Party. After being held for about 3 months she was released because of insufficient evidence. The beneficiary has further testified that she has no close relatives in the United States other than her husband, and no close relatives in Germany. Her parents and two children by a former marriage were either killed by the Russian Army, or taken captive. The beneficiary is not employed and is supported solely by her husband. They have an accumulative net worth of about five or six thousand dollars.

A nonquota immigration visa petition in behalf of the beneficiary was approved by this Service on June 6, 1952, conditioned upon furnishing satisfactory proof of the death of her former husband. The beneficiary has been unable to obtain proof of this death of her former husband who died in the Russian Zone of Germany. In the absence of such proof she cannot qualify for nonquota status.

Senator Richard B. Russell, the author of the bill, submitted the following information in connection with the case:

DETACHMENT NO. 1, 6016 S. U., YUMA TEST STATION,
Yuma, Ariz., February 3, 1955.

DEAR SENATOR RUSSELL: I am taking the liberty of writing you direct regarding the reintroduction of a bill before Congress by you on Hedi Gertrude Spiecker, my wife.

The primary purpose of this letter is to inform you of the latest developments in connection with my wife's citizenship. On January 27, 1955, a hearing was held by the Immigration and Naturalization Service at El Centro, Calif. The final decision was that my wife will have to be deported or leave the country voluntarily by March 1, 1955. I am enclosing a copy of that hearing.

I realize, Senator, that you are a very busy man and I appreciate your efforts and assistance in attempting to obtain citizenship for my wife through the media of the bill before Congress.

The latest developments in this matter do not allow much time and I was wondering if we could impose upon you to possibly get an extension of temporary stay.

Sincerely,

ROBERT T. SPIECKER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 717) should be enacted.

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Calendar No. 646

84TH CONGRESS, 1st Session } SENATE { REPORT No. 641

UNIV. OF MICH.
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SANTIAGO LANDA ARRIZABALAGA

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1084]

The Committee on the Judiciary, to which was referred the bill (S. 1084) for the relief of Santiago Landa Arrizabalaga, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Santiago Landa Arrizabalaga. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is an unmarried 29-year-old native and citizen of Spain who last entered the United States at Philadelphia, Pa., on September 27, 1947, as a seaman. He is employed as a sheepherder on the Spanish Ranch near Tuscarora, Nev., which is headquarters for the Ellison Ranching Co. The beneficiary's employer states that he is anxious to keep him in his employ insamuch as he has been trained to be a "boss lambing man" and his services are valuable.

A letter, with attached memorandum, dated September 7, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3576 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 7, 1954

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3576) for the relief of Santiago Landa Arrizabalaga, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a native of Spain the beneficiary would be chargeable to the quota for that country.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SANTIAGO LANDA ARRIZABALAGA, BENEFICIARY OF S. 3576

Santiago Landa Arrizabalga was born May 28, 1926, in Palencia, Spain, and is a citizen of Spain. He last entered the United States on September 27, 1947, at Philadelphia, Pa. as a member of the crew of the steamship *Castillo Montjuich*. He was temporarily admitted for 29 days within which to reship foreign but remained in the United States illegally. Deportation proceedings were instituted against him at Elko, Nev. on February 20, 1953, and he is at large under a $500 bond. After a hearing on May 12, 1954, it was ordered that he be granted the privilege of voluntary departure from the United States at his own expense in lieu of deportation, with deportation in the alternative. He has failed to avail himself of that privilege.

Mr. Arrizabalaga has never been married. Since he entered the United States in 1947 he has been employed as a sheepherder and is presently working on the Spanish ranch near Tuscarora, Nev. This ranch is operated by the Ellison Ranching Co. His monthly wage is $200 plus room and board. Mr. Stanley C. Ellison, vice president and general manager of the Ellison Ranches, stated that the Spanish ranch is headquarters for the company and the beneficiary works on that ranch. He has been trained to be a "boss lambing man" and his services are regarded as valuable to his employer, who has testified that trained sheepmen are not readily available and in view of the training he has given the beneficiary he is very anxious to retain him as a permanent employee. The Spanish ranch employs from 50 to 200 men according to seasonal requirements but the beneficiary is considered to be a permanent employee.

The beneficiary's mother, 2 sisters, and 1 brother, who was deported from the United States in 1951, live in Palencia, Spain. He sends approximately $500 a year to his mother to help support her and her family. He has about $1,000 in a savings account in addition to the $500 bond posted with this Service. He owns a 1951 Studebaker automobile which he values at $1,000 and is part owner of the home where his mother resides in Spain. He attended public school for about 6 years in Palencia. He served 5 or 6 months in the Spanish Army in 1946 but was discharged so that he could provide for his widowed mother.

He has but one relative in the United States, a brother, Cirilo Landa, who resides in Old Bridge, N. J. There is no one in the United States dependent upon him for support.

Senator Alan Bible, the author of the bill, submitted the following letter in connection with the case:

ORVILLE R. WILSON,
ATTORNEY AT LAW,
Elko, Nev., February 28, 1955.

Hon. ALAN BIBLE,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR ALAN: You requested some facts relative to Santiago Landa Arrizabalaga in order that you might support the private bill introduced for the benefit of my client.

Some of the pertinent material is as follows:

1. The payroll at the Ellison Ranching Co. uses the name of Santiago Landa. To avoid the use of the longer name throughout the rest of my contact, I shall use the name, Landa.
2. Landa was born on May 28, 1926.
3. He entered the United States at Philadelphia in September 1947.
4. Landa had shore leave and simply did not return to the boat.
5. Landa went to work for the Ellison Ranching Co. on April 9, 1948, as a sheepherder. He was so employed until August 1, 1948. On such date, he left Ellison's employment returning on April 1, 1949. Since the latter date, Landa has been steadily employed by Ellison and has moved up from sheepherder to assistant foreman. During the appropriate season, he is in charge of one lambing camp.
6. Landa is presently employed at the rate of $200 per month plus board and room plus paid vacation for about 3 weeks annually.
7. During the period of unemployment by Ellison in 1948 and 1949, Landa visited his brother who resides at 20 Marsad Drive, Old Bridge, N. J.
8. Landa is not married.

Stanley Ellison of the Ellison Ranching Co. is sitting with me as this letter is dictated. He advises me that he has had many opportunities to observe Landa on the job and after hours. Stanley is of the unqualified opinion that Landa has no connections with subversive groups nor is he interested favorably in the affairs of Russia or any foreign nation. Stanley is of the further opinion that Landa is of sound moral character. You will undoubtedly find reports in Immigration and Naturalization supporting Stanley's viewpoint.

Stanley further advises that he regards Landa as one of his keymen in the sheep operation of the company. He does not now know where he could replace Landa with a person as willing and as well trained.

The one problem is, of course, a policy question as to Immigration's attitude on men who have left ship. I understand that Immigration has not been too encouraging toward men who leave ship, but in this instance, we ask you to go all out in support of Landa.

Kind regards.

Very truly yours,

ORVILLE R. WILSON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1084) should be enacted.

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Calendar No. 647

84TH CONGRESS, 1st Session | SENATE | REPORT No. 642

LUCA SALTARELLI

UNIV. OF MICH.
JUL 7 1955
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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1112]

The Committee on the Judiciary, to which was referred the bill (S. 1112) for the relief of Luca Saltarelli, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Luca Saltarelli. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Italy, whose only entry into the United States was at New York on December 10, 1949, as a visitor. He was married to a United States citizen on August 12, 1950, and she subsequently died December 4, 1952. Suspension of deportation was granted late in 1951 and referred to the Congress January 1952 but was not acted upon since it appeared he was eligible for nonquota status. The beneficiary was not advised of his suspension being "held" until December 7, 1953, when he tried to apply for preexamination. The beneficiary served in the Italian Army and his outfit served with the United States Fifth Army in Italy. He has received several commendations and citations for such service. He is presently employed with the Underwood Typewriter Co., in Hartford, Conn.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with

reference to S. 2878 which was a bill introduced in the 83d Congress for the relief of the same alien reads as follows:

JUNE 24, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2878) for the relief of Luca Saltarelli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As a quota immigrant the beneficiary is chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING LUCA SALTARELLI, BENEFICIARY OF S. 2878

Luca Saltarelli, a native and citizen of Italy, was born in Minturno, Italy, on August 2, 1922. His last residence abroad was in Minturno, Italy. His only entry into the United States was at New York, N. Y., on December 10, 1949, as a temporary visitor for pleasure. He received an extension of stay which expired the 10th of December 1950. Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that, after admission as a temporary visitor for pleasure, he has remained longer than permitted. He has been granted the privilege of departing voluntarily from the United States but to date has not availed himself of that privilege.

Mr. Saltarelli took employment with the Underwood Typewriter Corp., 581 Capitol Avenue, Hartford, Conn., on September 2, 1950, and is presently employed there as an adjuster earning $62 weekly. His assets consist of $1,600 in a savings account, personal effects, and 5 rooms of furniture.

Mr. Saltarelli married a native-born citizen of the United States, Josephine Marie Mastergeorge in Middletown, Conn., on August 12, 1950. His wife died December 4, 1952. Mr. Saltarelli, therefore, has no one in the United States dependent upon him for support. He has a brother who resides in New York City. His parents and one other brother live in Minturno, Italy. Mr. Saltarelli has always lived in Italy. He attended a teachers' school at Formia, Italy, from 1936 to 1941. He was a member of the Italian Army from 1942 to his discharge in 1946.

Senator William A. Purtell, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
June 3, 1955.

Senator HARLEY KILGORE,
Chairman, Senate Judiciary Committee,
Suite No. 424, Senate Office Building,
Washington, D. C.

DEAR SENATOR KILGORE: Reference is made to bill S. 1112 for the relief of Luca Saltarelli, who is anxious to have his status in the United States adjusted.

I introduced a similar bill for Mr. Saltarelli's relief last year; and on July 13, 1954, I submitted affidavits bearing on the case, together with a photostat copy of the certificate of commendation from Lt. Gen. L. K. Truscott, Jr., United States Army, commanding, Headquarters, Fifth Army, United States of America, and other citations from the American and Italian Governments.

It would appear to me that Mr. Saltarelli's case is a most unusual one. I am told that he was born in the town of Minturno, Province of Latina, Italy, on August 2, 1922. He was educated in Italy and received the American equivalent of 3 years of college, preparing for the teaching profession, when he left to enter

the Italian Army in 1942. As a member of the 210th Infantry Division, he volunteered to serve with the United States Fifth Army; and as I earlier indicated through the submission of the certificate of commendation, he served with the United States Army in a most creditable manner and was honorably discharged.

On December 10, 1949, he entered the United States at New York City as a nonimmigrant temporary visitor. He stayed with a cousin of his mother's in Hartford, Conn., for several months; and while there, he met and later married Miss Josephine Mastergeorge, of Middletown, Conn., on August 12, 1950.

He subsequently reported his change in status, through marriage, to the Hartford office of the Immigration and Naturalization Service; and the necessary petition and accompanying affidavits were introduced. On September 19, 1951, a suspension of the order of deportation, subject to congressional approval, was entered. On July of the following year, however, Mrs. Saltarelli became seriously ill and for the next several months she was confined and released from the Harttord Hospital four times. She died on December 4, 1952. Just prior to her death, Mr. Saltarelli was informed that he was eligible for a nonquota visa and he could proceed through preexamination. The altered circumstances, however, changed his status; and he is now technically subject to deportation.

I am not personally acquainted with Mr. Saltarelli; but I do know prominent people in the State, who are interested in his case and who feel that, if admitted to the United States for permanent residence, he would develop into a very worthy citizen. In substantiation of this feeling, I am attaching additional affidavits. These consist of a statement from Mr. Robert M. Kelly, director, bureau of adult education, Hartford Adult School, covering a period of 5½ years attendance; a statement from Miss Stephanie Rawski, assistant treasurer of the Underwood Hartford Employees Federal Credit Union, attesting to the fact that since November 9, 1954, Mr. Saltarelli has been a member of that union and that he has at present a balance of $761.40 in his savings account; and an affidavit from Mr. Clarence L. Smith, assistant treasurer of the Society For Savings in Hartford, Conn., attesting to the fact that in August 1950, an account was opened in that bank and that at present Mr. Saltarelli has on deposit a balance of $933.37. In addition, there is an affidavit from Mr. Saltarelli, himself.

In view of all the fine letters of commendation that have been submitted I feel, and I hope your committee members will concur, that the personal tragedy Mr. Saltarelli has suffered, coupled with military service he rendered the United States while serving with the Italian Army, justify favorable consideration of bill S. 1112.

I thank you for such attention as you may give this letter.

Sincerely yours,

WILLIAM A. PURTELL,
United States Senator.

THE BOARD OF EDUCATION,
Hartford, Conn., May 24, 1955.

To Whom It May Concern:

This is to certify that Luke Saltarelli has attended the Hartford Adult School during 5½ school years.

Upon first arriving in this country, Mr. Saltarelli joined the foreign-born and citizenship classes, where his attendance was excellent. He made a favorable impression on all of his teachers. He was graduated in the spring of 1952.

Mr. Saltarelli then joined the high-school program of the Hartford Adult School and attended for a year and half. His record in the high-school division was excellent, and his marks above average in all subjects except English, where he did a good job, in spite of his foreign background.

From my own knowledge of Mr. Saltarelli, I believe he is a conscientious, highly intelligent person, who would be a credit to this country if the bill introduced in his behalf were to be favorably acted upon, thus changing his immigration status to that of a permanent resident.

Sincerely yours,

ROBERT M. KELLY,
Director, Bureau of Adult Education,
Hartford Adult School.

UNDERWOOD HARTFORD EMPLOYEES FEDERAL CREDIT UNION,
Hartford, Conn., May 26, 1955.

To Whom It May Concern:

This will affirm that Mr. Luke Saltarelli of 393 Woodland Street, Hartford, Conn., has been a member of the Underwood Hartford Employees Federal Credit Union since November 9, 1954, and has at present a balance of $761.40 in his savings account.

Very truly yours,

STEPHANIE RAWSKI (Miss),
Assistant Treasurer.

[SEAL] GROSVENOR M. ALLEN,
Notary Public.

AFFIDAVIT OF LUCA SALTARELLI

HARTFORD, *May 26, A. D. 1955.*

STATE OF CONNECTICUT,
County of Hartford, ss:

I, Luca Saltarelli, having been duly sworn, depose and say:

1. All the information and representations appearing in my original affidavit of January 1954 is hereby confirmed and ratified.

2. Since the execution of said affidavit, I have continued in the employ of the Underwood Corp., of Hartford, Conn., as an assemblyman, with average weekly earnings of $61.60.

3. I am still residing at No. 393 Woodland Street in Hartford, am in good health, have not remarried, have no debts, and have increased my bank savings to approximately $1,800 and am 32 years of age.

4. My love for the United States and my desire to remain here has increased with the passage of time. If permitted to become a citizen of the United States I shall always discharge my duties and responsibilities as a good citizen to the best of my ability. I respectfully ask that citizenship be granted to me by special legislation.

LUCA SALTARELLI.

Subscribed and sworn to before me this 28th day of May A. D. 1955.

JOHN L. BOWE, Jr.,
Commissioner of the Superior Court for Hartford County, Conn.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1112) should be enacted.

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Calendar No. 648

84TH CONGRESS, 1st Session } SENATE { REPORT No. 643

DIMITRIOS ANTONIOU KOSTALAS

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1126]

The Committee on the Judiciary, to which was referred the bill (S. 1126) for the relief of Dimitrios Antoniou Kostalas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dimitrios Antoniou Kostalas. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native and citizen of Greece, who last entered the United States on October 9, 1939, at Providence, R. I., where he was admitted as a seaman. He deserted ship and has lived in the United States continuously since that date. His wife and son reside in Greece and he has been sending money for their support for nearly 16 years. The beneficiary's mother is a legal resident of the United States, his two brothers are naturalized United States citizens and they both served in the United States Armed Forces in World War II. He also has two sisters who are married to United States citizens. The beneficiary tried to enlist for active service with the Marines during World War II, but was deemed over age.

A letter, with attached memorandum, dated November 1, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3357 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 1, 1954.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3357) for the relief of Dimitrios Antoniou Kostalas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DIMITRIOS ANTONIOU KOSTALAS, BENEFICIARY OF S. 3357

Dimitrios Antoniou Kostalas, also known as James Kostalas, a Greek subject, was born in Chios, Greece, on March 7, 1904. He last entered the United States on October 9, 1939, at Providence, R. I., where he was admitted as a seaman. He deserted the vessel and has resided in the United States continuously since that date. Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that after admission as a seaman he has remained in the United States for a longer time than permitted. He was granted the privilege of departing voluntarily from the United States but did not avail himself of that privilege. A warrant of deportation is outstanding in his case.

Mr. Kostalas has completed only 6 years of elementary school. He stated that he served 2 years (1924–26) in the Greek Navy. He has no special qualifications or skills. Prior to his entry into the United States, Mr. Kostalas was employed as a seaman for a period of 14 years. He is presently self-employed as a painter and his earnings for the past year amounted to $2,700.

Mr. Kostalas is married and his wife and son reside in Greece. He stated that he is sending money to them and that he intends to bring them to the United States as soon as possible. Mr. Kostalas' mother, 2 brothers, and 2 sisters reside in the United States.

Senator Edward Martin, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA,
County of Philadelphia, ss:

Dimitrios Antoniou Kostalas, being duly sworn according to law, deposes and says that since the date of his first arrival in this country, which was on October 9, 1939, approximately 15 years ago, he has been wholeheartedly devoted to the United States. At the outbreak of World War II he registered for the United States Marine service and reported but was refused admission to that service because he was overage, having been born in 1904. However, he assumed the financial responsibility of the female members of the family, which permitted the active service on behalf of this country by his brothers, Louis A. Kostalas and John A. Kostalas, who both served honorably in the United States Army, while their brother, your affiant, supported their aged mother and their sisters in occupied Greece.

Your affiant further avers that he has always been willing to serve the United States in any capacity possible, and that he has done so to the best of his ability.

(Signed) Dimitrios Antoniou Kostalas.
(Typed) DIMITRIOS ANTONIOU KOSTALAS.

Sworn to and subscribed before me this 27th day of September 1954.

[SEAL] HELEN A. QUITMEYER, *Notary Public.*

My commission expires January 29, 1955.

ORDER OF AHEPA,
REFUGEE RELIEF COMMITTEE,
New York, N. Y., September 28, 1954.

Hon. EDWARD MARTIN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MARTIN: The Ahepa Refugee Relief Committee is most interested in the situation of Dimitrios A. Kostalas, in whose behalf you were good enough to introduce a private bill (S. 3357) in the 83d Congress.

We fully realize that there is little or no chance of the bill being passed during the present session, but, we do hope that when Congress reconvenes, you will find it possible to reintroduce the bill and endeavor to have it enacted. As you may know, Mr. Kostalas is the brother-in-law of Mr. Elias Kissanis, who served as lieutenant commander in the United States Coast Guard during the war and is the brother of Louie and John Kostalas who served in the United States Army during the war. We understand that the only reason he did not serve was because he was not eligible, as an alien, and in addition was needed ashore to care for the families of his three close relatives in service.

Mr. Kostalas has been in the United States almost 15 years and has during that time been a law-abiding, sober, hard-working resident here. He is a church-going person and comes from a family that has given many years of devoted service in a military and civic capacity to this country. He has at all times been mindful of his obligations to this community and at the same time has adequately and regularly fulfilled his responsibilities to his family in Greece.

We, therefore, earnestly ask that you use every effort to see to it that Dimitrios A. Kostalas is permitted to remain lawfully in the United States since he is a person who, in our estimation, would make an excellent addition to our population.

Very truly yours,

AHEPA REFUGEE RELIEF COMMITTEE,
GEORGE A. POLOS.

FLUSHING, LONG ISLAND, N. Y.

In re Dimitrios Antoniou Kostalas (S. 3357).

Hon. EDWARD MARTIN,
Senate Office Building, Washington, D. C.

DEAR SENATOR MARTIN: The subject of this letter is my brother-in-law, who last entered the United States on October 9, 1939, at Providence, R. I., as a member of the crew of the steamship *Aikaterini*, and ever since has resided in the United States.

Heretofore he made application for suspension of deportation and legalization of his status to that of a legal permanent resident under section 19 (c) (1) of the Immigration Act of February 5, 1917, as amended, but was denied that relief by the immigration authorities solely because he did not go to sea during World War II, despite he had good reason not to do so.

During World War II, I served as a lieutenant commander in the United States Coast Guard; his brothers Louis and John served in the United States Army; and his brother-in-law, Peter Mavrakis, also served in the United States Army. He, being a nonresident alien, was ineligible for military service and our families felt that he should not go to sea as a merchant seaman because some male member of the family should be available to take care of the women and children of those of us who were in military service.

The most exhaustive investigation during the immigration proceedings revealed that he always had been, and was, of good character. It also revealed that he had contributed regularly to the support of his wife, children, and mother. Incidentally, the mother is now a legal resident of the United States.

The only members of his family now abroad are his wife and children, and if he is legalized they will be able to join him here and thus our large family will be a complete unit.

The case is a most worthy one, and I earnestly ask your kind assistance in seeking the passage of the necessary bill

Thanking you, I am,

Yours very truly,

ELIAS KISSANIS.

PHILADELPHIA, PA., *March 15, 1954.*

Re Dimitrios Antoniou Kostalas.

Senator EDWARD MARTIN,
Senate Office Building, Washington, D. C.

DEAR SENATOR MARTIN: I take the liberty to write you because I know of your great interest in the immigration laws and their operation, and because we require some relief for an alien who resides within your State and within your congressional district, at 1410 West Susquehanna Avenue, Philadelphia, Pa. The alien concerned is the above-named, who is a 48-year-old male, native and citizen of Greece, who last entered the United States on October 9, 1939, over 14 years ago, at Providence, R. I., as a member of the crew of the steamship *Akatarini*. He left the ship because of heart pains and came ashore for medical treatment. The doctor advised "care, treatment and rest" at that time.

With the outbreak of World War II he registered for United States Marine Service, but was not inducted because of overage. He had served earlier in the Greek military service. In the interim his native country was involved in World War II, and he was doing his utmost to support his wife in Greece, together with his infant child, his aged mother, and his sisters while the invaders were occupying Greece. The alien's two brothers helped him in the effort; they are Louis A. Kostalas, and John A. Kostalas, respectively, who were inducted into the United States Army on November 16, 1942. Louis A. Kostalas served for 2 years 8 months 3 days, receiving his honorable discharge on July 25, 1945, at Fort Bragg, N. C.; and John A. Kostalas served for 2 years 7 months 24 days, receiving his honorable discharge at Camp Croft, S. C., on October 4, 1945.

During this period of their service the alien had to assume the entire responsibility for supporting the family's dependents in Greece, since they were unable to do anything to help themselves during the war period. The alien has additional close relatives who were of outstanding service to the United States, to wit, his brother-in-law, Elias Kissanis, who is the husband of a sister of the alien, and who was assigned to active duty in the Coast Guard on August 31, 1943, receiving his honorable discharge as a lieutenant commander therefrom on June 30, 1947.

The alien's presence in the United States in a civilian capacity helped to free of dependents three men who gave very active, devoted service to the United States at a time when our country was in sore need of such service.

The alien has formed firm roots in the United States, having resided here since his entry in 1939, and having established himself as a law-abiding, churchgoing, respected member of the community. His roots here have been intertwined with those of close members of his family, who are also respected in the community, and who have exhibited by their own record their devotion to their adopted country, and their adherence to the principles upon which it is founded.

In addition to these close relatives, a second sister of the alien, Fleni Kostalas, came to the United States in 1947 as a GI fiance, and later married Peter Mavarakis, a veteran, who had served honorably in the United States Army.

His brother-in-law, Elias Kissanis, lieutenant commander in the United States Coast Guard Reserve, was admitted to citizenship in the United States on February 17, 1922, by the Supreme Court of New York, and presently resides at 134–21 60th Avenue, Flushing, Long Island, N. Y., with his wife and 4 children, 1 of whom is now a member of the United States Army. One of the alien's brothers, John A. Kostalas, after being honorably discharged by the United States Army, was admitted to citizenship on August 4, 1944, and now lives with his wife and child at 143–13 Holly Avenue, Flushing, Long Island, N. Y., where he operates a general painting and contracting business. Peter Mavarakis, the alien's other brother-in-law, is a citizen of the United States, having been admitted in New York on December 16, 1935, being also a veteran of the United States Army. He and his wife presently live at 124–8 60th Avenue, Flushing, Long Island, N. Y., where he operates as a licensed real-estate broker. Another of the alien's brothers, Louis A. Kostalas, also a veteran of the United States Army, was admitted to citizenship on June 4, 1943, by the district court of Colorado Springs, Colo., and now resides with his wife and child at 999 Mulberry Street, Trenton, N. J., and owns and operates the Victory Restaurant on North Clinton Street in Trenton, N. J.

Most of the alien's family is here in the United States, including the alien's aged mother, who entered the United States on July 16, 1951, for permanent residence. She is now 73 years of age.

In view of all of these close family ties, and all of this accumulated service to this country of this family, it would seem very heartless to require the deportation of this alien at this time. There were deportation proceedings held in this case, which ultimately resulted in granting the alien voluntary departure, but no further remedy. We, therefore, respectfully request the introduction of a private

bill in his behalf to insure his permanent legal residence in the United States so that he may remain in the bosom of his family who have served this country so well. Your early consideration would be deeply appreciated.

Cordially,

LENA L. ORLOW.

PETERS REALTY,
Hempstead, Long Island, N. Y., March 15, 1954.

Hon. Senator EDWARD MARTIN,
United States Senate, Washington, D. C.

DEAR SENATOR MARTIN: My name is Peter Mavrakis, residing at 134–28 60th Avenue, Flushing. I came to this country in 1920; have been a citizen for over 20 years; served in the Second World War for 3 years in the South Pacific and was discharged at the end of the war with an honorable discharge of Fort Dix, N. J.

I have been a licensed real-estate broker for many years, and presently I have offices in the town of Hempstead. I am well established.

I am the brother-in-law of Demetrios Antonion Kostalos, who entered the country in 1939, and whose application for suspension of deportation was acted favorably by the Immigration Service but failed to pass Congress. The whole family are citizens except the above-mentioned Demetrios Antonion Kostalas and my mother-in-law, who is old but is legally resident alien.

In addition to my service in the United States Army other two brothers-in-law, John and Elias Kostalos, have served in the United States Army, during the war and received honorable discharges at the end of the war. Also another brother in-law, Elias Kissanis, served as lieutenant commander in the United States Coast Guard for 4 years and came out with an honorable discharge in 1947.

I, my brothers-in-law, and the entire family already given evidence of devoted service and loyalty to this country, and we feel very keenly the necessity of my brother-in-law remaining in the United States. We would all appreciate it very much of any efforts by you to introduce a private bill for the relief from deportation of such brother-in-law Demetrios Antonion Kostalos.

Respectfully yours,

PETER MAVRAKIS.

FLUSHING, N. Y., *March 16, 1954.*

Hon. EDWARD MARTIN,
United States Senator, Washington, D. C.

DEAR SENATOR MARTIN: My name is John Kostalos, residing at 161–02 59th Avenue, Flushing, N. Y., with my family. I am a citizen of this country and served in the last war from November 16, 1942, to October 4, 1945. I was discharged at Camp Croft with an honorable discharge.

I have been in the painting contracting business for many years and I am well known and enjoy a good reputation in the community.

I am a brother of Demetrios Antoniou Kostalos, who entered this country in 1939 and whose application for suspension of deportation was acted favorably by the immigration authorities but failed to pass Congress. My whole family are citizens except my brother and mother, who is legally resident alien.

In addition to myself, my other brother, Elias Kostalos, served in the United States Army for the same period of time during the war, and received an honorable discharge at the end of the war. Also my brother-in-law, Elias Kissanis, served as lieutenant commander in the Coast Guard for 4 years and was discharged honorably in 1947; and my other brother-in-law, Peter Mavrakis, served for 3 years and was discharged honorably at Fort Dix, N. J., at the end of the war.

I, my brother, Elias Kissanis, and brothers-in-law, and the entire family have given devoted service to this country and we feel very keenly the necessity of my brother, Dimitrios Antoniou Kostalos, remaining in the United States and any effort by you to introduce a bill in Congress for the relief from deportation of my brother would be greatly appreciated.

Respectfully,

JOHN KOSTALAS.

FLUSHING, LONG ISLAND, N. Y., *March 15, 1954.*

HON. EDWARD MARTIN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MARTIN: I am a citizen of the United States; during World War II served as a lieutenant commander in the United States Coast Guard, and am now a regular, ready reservist of that organization.

My wife's brother, Demetrios Antoniou Kostalas, entered the United States in 1939 as a seaman and ever since has resided here as a law-abiding person. On July 1, 1948, Congress amended section 19 (c) of the Immigration Act of 1917 (8 U. S. C. 155 (c)) to provide suspension of deportation and legalization as permanent residents of persons of good moral character who had resided in the United States for 7 years or more. Thereafter, my said brother-in-law made application for such relief and was denied same on the ground that he did not go to sea during the war.

Such action was by the United States Immmigration authorities, who probably did not take into consideration the fact that Demetrios remained ashore at the request of the family so as to permit his following close relatives to serve the United States Government actively in the war, with the idea that he would be able to care for and protect the women and children of the family: the writer, Lieutenant Commander Kissanis, United States Coast Guard, his brother-in-law; his brother, Louis A. Kostalas, a United States citizen and United States Army veteran of World War II; another brother, John A. Kostalas, also a United States citizen and United States Army veteran of World War II; another brother-in-law, Peter Mavrakis, also a United States citizen and United States Army veteran of World War II.

All of the foregoing are citizens in good standing, and his mother, Mrs. Cleopatra Kostalas, now about 74 years of age, entered the United States for permanent residence in 1951.

I most earnestly believe that there has been an unintentional miscarriage of justice in this case. Therefore, I most earnestly and humbly ask your aid and assistance to the end that a private bill be introduced in Congress to grant to him the necessary relief of lawful, permanent residence.

Thanking you, I am,

Yours very respectfully,

ELIAS KISSANIS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1126) should be enacted.

O

Calendar No. 649

84TH CONGRESS, 1st Session | SENATE | REPORT No. 644

EUGENIO MAIDA

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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 928]

The Committee on the Judiciary, to which was referred the bill (H. R. 928) for the relief of Eugenio Maida, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 37-year-old native and citizen of Italy who presently resides in that country. He was married in Italy on June 12, 1948, to a citizen of the United States with whom he became acquainted while he was in the United States as a prisoner of war during World War II. The record discloses that the beneficiary was convicted in Italy in 1937 of the crime of aggravated theft and was sentenced to 3½ years in prison and a fine. It appears that the beneficiary, when 19 years of age, together with 7 other persons entered a dwelling and stole linens therefrom. Without the waiver provided for in the bill the beneficiary will be unable to join his wife in this country.

A letter, with attached memorandum, dated May 18, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 677, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 677) for the relief of Eugenio Maida, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would waive the provision of the 11th category of section 3 of the Immigration Act of 1917, in effect prior to December 24, 1952, which excluded from admission to the United States aliens who had been convicted of or who admitted having committed a felony or other crime or misdemeanor involving moral turpitude.

The bill would conform to the law now in effect, if amended by deleting all after the enacting clause and substituting the following:

"That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Eugenio Maida may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

As the alien is the husband of a United States citizen, he is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

ARGYLE R. MACKEY,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EUGENIO MAIDA, BENEFICIARY OF H. R. 677

Information concerning the beneficiary of the bill was furnished by his wife, Virginia Jennie Maida, who resides at 3517 East 118th Street, Cleveland, Ohio. Mrs. Maida was naturalized as a citizen of the United States on March 9, 1945, at Cleveland, Ohio.

Eugenio Pasquale Maida was born on April 3, 1918, at San Mango D'Aquino, Province of Catanzaro, Italy, where he is presently residing. He had been in the United States at Camp Perry, Ohio, as a prisoner of war during World War II He became acquainted with his wife during the period of his imprisonment in this country. They were married on June 12, 1948, in Italy, where she had gone for that purpose.

While Mrs. Maida was still in Italy, her husband made application for an immigrant visa to the American Foreign Service office in Naples, Italy. She said that the visa was refused because her husband had been convicted of either burglary or robbery, in that he had entered an uninhabited house and had stolen a quantity of linens.

Representative Frances Bolton, the author of the bill, submitted the following statement to the Committee on the Judiciary of the House of Representatives concerning the case:

STATEMENT BY HON. FRANCES P. BOLTON

Mr. Chairman, Eugenio Maida was born April 3, 1918, in the Province of Catanzaro, Italy. His father is unknown and his mother died in 1920. Thereafter, he was reared by his brother.

In 1948 Eugenio married Virginia Tagliarini, a naturalized American citizen. Mrs. Maida resides in Cleveland, Ohio. She filed a petition in behalf of her husband; however, he was denied a visa because he was convicted in 1937 of the crime of breaking and entering a dwelling and stealing linen therein. According to my information, he was only 19 years of age at the time and he acted in concert with his older brothers and 2 others. He was declared to be rehabilitated on May 16, 1947. Under Italian law, rehabilitation is granted when at least 5 years have elapsed from the day on which the principal punishment has been executed or has otherwise become extinguished, and the convicted party has given effective and constant proof of good conduct.

Unless H. R. 928 is passed, Mrs. Maida is destined to be separated from her husband forever. She is in an extremely distraught condition and I fear she may have a complete breakdown unless she receives good news soon.

I have documents which I shall file with the committee showing that Eugenio Maida's conduct has been good since the time of the termination of the penalty. I also have a letter stating that he will be given permanent employment upon his entry to the United States.

Representative Bolton also submitted the following documents relating to the beneficiary of the bill:

[Translation]

In the name of His Majesty Vittorio Emanuele III by grace of God and the will of the Nation King of Italy and Emperor of Ethiopia, the 3rd Section of the Court of Appeals of Catanzaro, constituted by the Messrs.: (1) Comm. Antonio Zazzari, President; (2) Cav. Saverio Zinzi, Counsellor; (3) Cav. Uff. Giovanni Viola, Counsellor; (4) Cav. Giuseppe Serra, Counsellor; with the intervention of the Public Counsel represented by the Acting Attorney General, Cav. Uff. Nicola (complete name not shown) and with the assistance of the Chancellor, Armando Catanzaro, in the lawsuit against: (1) Santo Pulice, son of Carlo; (2) Matteo Berardone, son of Giovanni; (3) Luigi Sperra, son of Francesco; (4) Eugenio Maida, son of unknown parents; (5) Andrea Maida, son of unknown parents; (6) Vittorio Maida, son of unknown parents; (7) Vincenzo Sperra, son of Francesco; (8) Giovanni Carino, son of unknown parents; (9) Pasquale Jame, son of Antonio; on the appeal produced by the accused and by the Public Counsel against the sentence pronounced by the Tribunal of Cosenza on 11.8.1937 in regard to the first two persons named above as well as against the judiciary acts on 10.11.1938 by which the first was sentenced to four years and six months' imprisonment and 3,000 lire fine for doubly aggravated theft; the second to three years' imprisonment and 2,000 lire fine for the same crime; the third, fourth, and fifth to three years and six months' imprisonment and 3,600 lire fine each for continuous and various times aggravated theft; the sixth to four years and eight months' imprisonment and 4,800 lire fine for the same crime; the seventh to two years and two months' imprisonment and 2,200 lire fine for the same crime; the eighth to three years and six months' imprisonment and 3,600 lire fine for the same crime; the ninth to ten months' imprisonment for false testimony with the benefit of the suspension; has pronounced in County Chamber out of the presence of any stranger the following—

SENTENCE

Following today's public debate, after hearing the Public Counsel, the defendants and the accused who were present, has observed:

In fact, a grave theft having occurred in August 1937 in the small building situated in Via Garibaldi at Amantea, belonging to Mr. Luigi Forginella, where the thieves, availing themselves of the opportunity offered by the absence of the owner, penetrated through a window breaking the glasses and upset all the furniture of the house itself subtracting linen, silverware, arms, and other valuable things, the Carabinieri conducted a thorough investigation to discover the authors. Observed on the dusty floors various marks of bare feet left by the thieves, they got the outlines which they immediately compared with the footmarks of some young men of the place who used to go barefooted. Such investigative means, although in itself, for some uncertainties, it brought to no positive result, contributed indirectly to indicate two young men as the authors. In fact, one of the above-named individuals, youngster Pasquale Ianni, whose feet seem to adhere to some marks, declared rightaway, as he had already confided to a certain Mercato who was under detention at the Barrack for the same reasons, that the authors of the theft had been Sante Pulice and Matteo Berandone, by whom he had also been invited to participate, refusing concisely, and this he maintained all times when confronted with them. When penal proceeding was instituted, the above Pulice and Berandone, who always protested that they were innocent, were deferred for judgment to the Tribunal of Cosenza to respond of cooperation in the doubly aggravated theft occurred to Mr. Forginella. The Tribunal, with sentence of November 8, 1937, declared them guilty of the theft ascribed to them and sentenced Pulice to four years and six months' imprisonment and three thousand lire fine and Berandone to three years' imprisonment and two thousand lire fine.

Against this sentence both Pulice and Berandone proposed an appeal in order to be absolved having not committed the fact or at least for insufficient evidence.

Subsequently, by report of 12.20.1937 the same Royal Carabinieri of Amantea denounced that during the night between the 16th and the 17th of the same month, November last, unknown individuals had penetrated into an apartment of Mr. Cecchillo D'Ingillo's house and had stolen five blankets, four of which were of wool, and a trunk full of linen of a very good quality. The total worth was nearly 12,000,00 lire.

During the same night, from the stable of Luigi Gagliardi, by means of burglary, a female ass was stolen; from the stack of straw of Rosa Rocco were stolen five ropes and other ropes from that of Enrico Bazzacelli. It was evident that the latter thefts were committed to carry the stolen goods, also because some days later the female ass was found abandoned in the country.

With subsequent report of January 10, 1938, as authors of these thefts were indicated:

(1) Luigi Sperra, son of Francesco;
(2) Vincenzo Sperra, son of Francesco;
(3) Amedeo Maida;
(4) Vittorio Maida;
(5) Eugenio Maida;

and as shelterers:

(6) Maria Rosaria Monaca;
(7) Domenica Mirabella, daughter of the late Nicola;
(8) Serafina Cimino, daughter of Saverio.

To furnish an explanation of such a denunciation, by subsequent report dated January 14, 1938, it was specified that, being suspected, had been seized Luigi Sperra and Vincenzo Sperra, brothers, and that after their arrest it was ordered that a perquisition be made in the house of Domenica Mirabella, Luigi Sperra's lover. In her home some linen was seized. This was recognized by the D'Ingillo family as a part of the theft committed in their home. After this, the Maresciallo (NCO) questioned Vincenzo Sperra, who rendered a detailed confession mentioning his accomplices, specifying that the theft from D'Inzillo's house, devised by his brother Luigi and by Amedeo Maida, had been committed by himself, his brother Luigi and brothers Amedeo, Vittorio and Eugenio Maida and that, after committing such a theft, they had carried the stolen goods to a stack of straw where they were distributed in various bundles. For the transportation of the latter was stolen the ass while the rope was stolen to tie them. The portion due to the Sperra brothers was entrusted to Domenica Mirabella, and that due to the Maida brothers was carried into Amedeo Maida's home.

Therefore, the Maida brothers Amedeo, Vittorio and Eugenio were seized and, as a result of a perquisition effected in their homes, other linen was found which was identified by D'Ingillo. Was also seized Maria Monaca, wife of Matteo Maida, and it was ascertained that the latter had carried other linen into Serafina Cimino's house.

Luigi Sperra and the Maida brothers, also, confessed to the Carabinieri that they had committed the theft, and this same confession they made before the police magistrate, delegated for the legal proceedings. The women maintained that they were unaware that the linen handed to them was of furtive provenience.

By report dated January 11, 1938, the Royal Carabinieri of Nocera Terinese denounced the theft of six hens from Giuseppe Marasco. The Maida brothers were reported as responsible. During a perquisition in Vittorio Maida's house was identified a coat which had been stolen from one Alfonso Adamo.

After this discover, by report of 1.21.1938 the Royal Carabinieri of Nocera Terinese denounced the Maida brothers, Vittorio and Eugenio, for this theft.

By report of 8.18.1937 of the RR. CC. of Amantea had been denounced a theft of linen for approximately 300,00 lire (3,000 ?) from Salvatore Cacciuglio. During a perquisition made in Amedeo Maida's house was found part of the stolen goods which was recognized by the person from whom it had been stolen. During this perquisition was found other linen, which was ascertained to have come from the theft committed against Mr. Forgiulo, who recognized it as his own and for which theft had been damaged and sentenced Santo Pulice and Matteo Berandone.

Upon questioning Vincenzo Sperra, he indicated as the authors of the abovementioned thefts from Cacciuglio and Forgiulo his brother Luigi Sperra, Giovanni Carino (latitant), and brothers Amedeo, Vittorio, and Eugenio Maida. Was also denounced for false testimony Pasquale Jame' (Iami), who was deferred to the Tribunal of Cosenza for judgment together with the denouncing persons for theft and concealment.

During the debate, at the request of the Public Counsel action was instituted against Jame' for calumny. He withdrew the accusation made against Pulice and Berandone.

The Court, with sentence of October 11, 1938, declared Vittorio Maida and Eugenio Maida guilty of unique theft, with various aggravations, continued, from Achille D'Ingillo, Luigi Gagliardi, Rosa Rocco, Enrico Bozzarelli, Rosaria Di Santo, Luigi Forgiulo, Stefano Coceniglio, Giueseppe Marasco and Alfonso Adamo, so modifying the records with an increase of punishment for repetition of offense in regard to the former. Declared Luigi Sperra guilty of unique theft, with various aggravations, from the above-named D'Ingillo, Gagliardi, Rocco, Bozzarelli, Di Santo, Forgiulo, and Coceniglio, so modifying the records for repetition of offense. Declared Vincenzo Sperra, under 18, guilty of unique theft, with various aggravations, continued, from the above D'Ingillo, Gagliardi, Rocco, Bozzanelli and Di Santo, so modifying the records. Declared Amedeo Maida guilty of unique theft, with various aggravations, continued, from D'Ingillo, Gagliardi, Rocco, Bozzarelli, Di Santo, Forgiulo, Coceniglio and Marasco, so modifying the records, with increase of punishment for repetition of the offense. Declared Giovanni Battista Carini guilty of unique theft, with various aggravations, continued, from Forgiulo and Coceniglio, so modifying the records. Declared Domenica Mirabella and Pasquale Jame', the latter under 18, guilty of the crimes respectively ascribed to them of concealment and false testimony. Sentenced Vittorio Maida to four years and eight months' imprisonment and 4800 lire fine; Eugenio Maida, Luigi Sperra, Amedeo Maida and Giovan Battista Carino to three years and six months' imprisonment and 3600 lire fine each; Vincenzo Sperra to two years and two months' imprisonment and 2,200 lire fine; Maria Monaca to eleven months' imprisonment and 1,000 lire fine; Domenica Mirabella to ten months' imprisonment and 900 lire fine, and Pasquale Jame' to ten months' imprisonment. Held to suspend the punishment inflicted to Monaca, Mirabella and Jame'. Absolved Jame' from the imputation of calumny having not committed the fact and Serafina Cimino from the crime ascribed to her, on account of insufficient evidence.

Against this sentence appeal was submitted by the accused Luigi Sperra, Eugenio Maida, Amedeo Maida, Vincenzo Sperra, and Vittorio Maida, but no motives were then presented.

Against this sentence was also submitted an appeal by the Public Counsel of the Tribunal, deducing that: (1) the Court should have affirmed the culpability of Jame' on the basis of the crime of calumny (contested against him in the debate) and not of false testimony, as the judiciary results show how he, accusing Santo Pulice and Matteo Barandone (who on the basis of his accusation had reported very serious sentences, appearing to be innocent only after his withdrawal of accusation) had committed precisely a calumny toward them, accusing them of a crime of which—as he confessed—he knew that they were innocent; (2) inexactly the court held that the various thefts in question, contested in different circumstances of time and place and by different persons, constitute a unique continued theft; (3) the punishments inflicted by the court to the culpable subjects has been too mild, inasmuch as they are criminals who had rendered themselves guilty of seven thefts, various times aggravated, and some of which reached even 20000,00 lire, 12000,00 lire and 3000 lire.

IN RIGHT

The court observes that the appeal proposed by Santo Pulice and Matteo Berandone is to be integrally accepted. The sentence pronounced against them was, primarily, based upon the accusation and then on the deposition of Jame', accusation which appeared to be entirely clumnious prior to his withdrawal thereof, part of the stolen goods having been found in the house of the Maidas and having subsequently been ascertained that the theft from Gargiulo had been committed by the Maida brothers, Luigi Sperra, Giovanni Carino, the latter of whom were sentenced for this crime. The innocence of Pulice and Berandone, consequently, was apparent and therefore they should be absolved with the ample formula.

The appeal proposed against the sentence 10.11.1938 by Luigi Sperra, Eugerio Maida, Vittorio Maida, Vincenzo Sperra is to be declared inadmissible in accordance with art. 209 of the Penal Proceedings Code inasmuch as the appealers did not submit the motives therefor.

Taking into examination the appeal of the Public Counsel as relates to the accused Jame', the court holds that the Tribunal, in acquitting him of the crime of calumny, having not committed the fact, has not made an adapted application of art. 368 of the Penal Code. The Tribunal, in fact, has held that Jame' had

intended to cause, by means of false accusation, the penal proceeding against Pulice and Berandone, but to obtain, instead, by means of false proof, an injust conviction. Such theory is not in accordance with law provisions. On the contrary, for the subsistence of the crime of calumny it is sufficient that to the accused has been attributed a punishable fact which he has not actually committed, and that the person committing calumny has acted with conscious, unrestrained will, to commit the fact, knowing that the person he has accused is innocent of the specific offense attributed to him. No determined form is prescribed for the denunciation. In fact, the word "denunciation" used in art. 368 of the P. C. as well as in art. 367 means, as a rule, any act apt to bring to the knowledge of the competent authority the attribution to the calumniated person to have committed a certain crime. Properly is therefore held responsible of the offense of calumny any person who, seized by the Royal Carabinieri as suspected of having committed a certain crime, declares instead to the latter that the crime was committed by other persons, whom he knew to be innocent. This is exactly the case of Jame'. He committed the offense of calumny in the moment he made his statement to the commander of the Royal Carabinieri Station of Amantea. His subsequent activity might also be considered false testimony inasmuch as the crime of calumny can concur with that of false testimony. But the appeal of the Public Counsel is only limited to the affirmation of the offense of calumny and therefore the court cannot examine whether also the offense of false testimony concurs. Jame' is therefore to be held guilty of calumny, appearing from the judiciary acts, that he has no capacity of understanding and will (literal—on the extract of sentence in Italian this appears to be in contradiction with the previous statement contained therein). As punishment, because of the gravity of the fact, it is held that should be inflicted to him two years' imprisonment, beginning from three years and reducing of one-third because of the age. Due to his records, it is believed that no suspension of the punishment should be granted to him.

The second motive of appeal of the Public Counsel cannot be accepted. The various thefts, in fact, although committed in different circumstances of time, are due to the same criminal resolution. The third motive, however, is to be accepted inasmuch as the punishment assigned reveals itself not to be proportional to the series of crimes committed and to the punishability of the accused. To Vittorio Maida, therefore, it is held that should be assigned six years imprisonment and 6,000 lire fine (beginning with three years imprisonment and 3,000 lire fine and increasing of one-half for the continuation and of one-third for the repetition of the crime); to Eugenio Maida four years and six months' imprisonment and 4,500 lire fine (beginning with three years' imprisonment and 3,000 lire fine and increasing of one-half for the continuation); to Luigi Sperra and Matteo Maida five years' imprisonment and 5,000 lire fine each (beginning with three years' imprisonment and 3,000 lire fine and increasing of one-half for the continuation and six months' and 500 lire fine for the repetition); to Vincenzo Sperra two years and eight months' imprisonment and 2,666 lire fine (beginning with three years' imprisonment and 3,000 lire fine and increasing of one-third for the continuation and reducing of one-third for the age); to Giovanni Carini four years' imprisonment and 4,000 lire fine (beginning with three years' imprisonment and 3,000 lire fine and increasing of one-third for the continuation). In the crime is confirmed the appealed sentence by sentencing the appealers to the payment of the major expenses.

For these reasons, the Court: Seen articles 523, 209, and 213 of the Penal Proceedings Code, modifying the sentence 11.8.1937 of the Tribunal of Cosenza, appealed by Santo Pulice, son of Carlo and by Matteo Berandone, son of Giovanni, absolves them both of the imputation of theft various times aggravated, ascribed to them, having not committed the crime, and orders their release if not detained on other charges; modifying the sentences of 10.11.1938 of the same Tribunal of Cosenza appealed by Luigi Sperra, Eugenio Maida, Matteo Maida, Vittorio Maida, Vincenzo Sperra, Pasquale Jame' and by the Public Counsel in regard to these persons and to the nonappealing Giovanni Carini, declares inadmissible the appeal proposed by Luigi Sperra, Eugenio Maida, Amedeo Maida, Vittorio Maida, Vincenzo Sperra and Pasquale Jame' having not submitted the motives and orders the execution of the appealed sentence. On the appeal of the P. C. declares Pasquale Jame' guilty of calumny, remaining in it assorted the minor crime of false testimony and sentences him to two years' imprisonment. Increases the punishment inflicted to Vittorio Maida to six years' imprisonment and 6,000 lire fine; to Eugenio Maida to four years and six months' imprisonment and 4,500 lire fine; to Luigi Sperra and Amedeo Maida to five years' imprisonment and 5,000 lire fine each; to Vincenzo Sperra to two years and eight months' im-

prisonment and 2,666 lire fine, and to Giovanni Carini to four years' imprisonment and 4,000 lire fine.

Confirms in the crime the appealed sentence and sentences jointly the appealers Luigi Sperra, Eugenio Maida, Amedeo Maida, Vittorio Maida, Vincenzo Sperra, and Pasquale Jame' to the major expenses.

Cantanzaro, March 14, 1939. The signatures follow.

True copy issued at the request of Eugenio Maida.

/s/ (Illegible),
The Chancellor.

[Translation]

COURT OF APPEALS OF CATANZARO

In the Name of the Italian People, the Court of Appeals of Catanzaro, composed of the Messrs.: Dr. Luigi D'Andrea, President; Dr. Vincenzo La Zazzera, Counsellor; Dr. Ernesto Giuliani, Counsellor; Dr. G. Battista Mazzei, Counsellor; Dr. Federico Placida, Counsellor; assembled in the Council Hall; after examining the application submitted by Eugenio Maida, son of unknown parents, from San Mango d'Aquino, for rehabilitation of the conviction imposed to him by the Court of Appeals of Catanzaro on March 11, 1939; after examining the documents enclosed with the application mentioned above; after examining the Attorney General's request for the rehabilitation of Eugenio Maida; considering that there is no objection to the acceptance of such application; for these reasons, in compliance with art. 179 and following of the Penal Code, and 597 and following of the Penal Proceedings Code, Declares Eugenio Maida rehabilitated of the conviction imposed to him.

Catanzaro, May 16, 1947.

(Signed):

D'ANDREA.
LA ZAZZERA.
GIULIANI.
MAZZEI.
PLACIDA.
ARNONE, *Chancellor.*

True copy of its original issued for lawful purposes.
Catanzaro, 3.3.1950.

/s/ (Frontera),
The Chancellor.

In addition, Representative Bolton submitted the following affidavit made by the wife of the beneficiary of the bill:

AFFIDAVIT

STATE OF OHIO,
County of Cuyahoga, ss:

On this 10th day of December A. D. 1953, before me, the undersigned authority within and for said county of Cuyahoga, duly authorized to administer oaths, personally appeared, Virginia J. Maida, who being by me duly sworn says that:

She resides at 3517 East 118th Street, Cleveland, Ohio; that she is the wife of Eugenio Maida, now residing at San Mango D'Aquino, Province of Catanzaro, Italy; that she has been endeavoring since 1948 to get her said husband to the United States as a permanent resident.

Affiant states that she is a naturalized citizen of the United States having been naturalized in the United States District Court of Cleveland, Ohio, certificate No. 6621788, petition No. 106793, on March 9, 1945.

Affiant further states that she married her aforementioned husband, Eugenio Maida at San Mango D'Aquino, on June 12, 1948; that she returned to the United States on November 2, 1948, and that she has never left the country since that time.

Affiant further states that immediately upon her reentry to the United States, aforementioned, she made application for immigration visa in behalf of her husband, Eugenio Maida but due to some unforseen record, he was at that time denied permission to enter the United States by the American consul in Italy.

Affiant, Virginia J. Maida, further states that she did not, at any time, have any knowledge of her husband having had any arrestal record whatsoever until her said husband was denied permission to enter the United States by the American consul at Naples, Italy.

Affiant further states that her husband has never been arrested other than the one arrestal which occurred in 1937; that no weapons were used by him; that said Eugenio Maida acted in concert with four other persons who were much older than he; that at the time of said arrestal, said Eugenio Maida was without proper guidance as his parents had been dead for several years; that because of his (Eugenio Maida's) good conduct, he was required to serve out only part of his sentence at which time he was released without parole; that otherwise, he is a highly regarded and respected citizen of his community.

Affiant further wishes to state that her said husband was born out of wedlock and was, therefore, unfortunately denied a proper home life and proper guidance that a family unit and background would have afforded.

Affiant further states that her said husband's mother, Michelina Maida, died when the said Eugenio Maida was a very small child, thereby, making it necessary for him to be taken care of by different relatives; that he had a very difficult childhood and many times was forced to go without proper food and proper clothing.

Affiant further states that her cousin, Matt Arsena, lathing and plastering contractor, has definitely assured employment to the said Eugenio Maida as soon as he is granted the privilege of legally entering the United States.

Affiant further states that she has been employed by the Warner & Swasey Co., of Cleveland, Ohio, since April 1951; that her work there is very satisfactory, that she is a very high type worker and that her coworkers have a very high regard for her general attitude and sincerity of purpose.

Affiant further states that she has been quite ill and that she is on the verge of a nervous breakdown; that her attending physician feels that her condition is steadily getting worse; that it is being greatly aggravated, due to despondency and worry over her husband's (Eugenio Maida's) delay in being granted the privilege of entering the United States.

Affiant, Virginia J. Maida is requesting at this time that her husband's case be given renewed and careful consideration in view of the fact that during her husband's entire life he was arrested just the one time (in concert with four much older persons); that he was released on good behavior prior to the expiration of his sentence; that he has, other than that one record, always conducted himself as a model citizen of his country; that he is highly respected and regarded in his community; that he is a hardworking and honest person (as is shown by the various documents submitted) in spite of the fact that he started life as an illegitimate child and was orphaned shortly after; that he was brought up, unwanted, by relatives thereby undergoing a very difficult childhood.

Affiant feels that in view of the aforementioned facts her said husband, Eugenio Maida, should at this time be granted the privilege of entering the United States; that she is confident and believes that she has sufficient proof that her husband should be granted the privilege of entering the United States and further that her said husband would not become a public charge as he has employment awaiting him in the United States as stated herein.

Affiant further wishes to state in conclusion in view of her failing health, which has been aggravated by her husband's inability to come to the United States, this case should be given due consideration so that after all these years of anxiety, worry, and fear, she could be reunited with her husband and lead a normal life together as husband and wife.

Further affiant sayeth not.

VIRGINIA J. MAIDA,

Sworn to before me and subscribed in my presence this 10th day of December, 1953.

[SEAL] ANGELA MOLINARO,
Notary Public.

My commission expires October 3, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 928) should be enacted.

UNIV. OF MICH.

SEP 19 1955

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Calendar No. 650

84TH CONGRESS, 1st Session } SENATE { REPORT No. 645

TAKAKO RIU REICH

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 990]

The Committee on the Judiciary, to which was referred the bill (H. R. 990) for the relief of Takako Riu Reich, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of prostitution in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Japan who presently resides in that country. On August 7, 1953, the beneficiary was married to Frederick S. Reich, an honorably discharged veteran of our Armed Forces, who had returned to Japan following his discharge for the purpose of marrying the beneficiary of the bill. The beneficiary has been denied a visa because it was disclosed that she was convicted in 1953 for prostitution and fined 10,000 yen. Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in this country.

A letter, with attached memorandum, dated November 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9893, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9893) for the relief of Takako Riu Reich, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill provides that the beneficiary may be admitted to the United States for permanent residence, if otherwise admissible, notwithstanding the provisions of the Immigration and Nationality Act which exclude from admission aliens who have been convicted of a crime involving moral turpitude and aliens who are prostitutes or who have engaged in prostitution. It further provides that the exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the act.

As the spouse of a citizen of the United States the beneficiary, if otherwise admissible, may be entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TAKAKO RIU REICH, BENEFICIARY OF H. R. 9893

Information relating to the beneficiary was obtained from Federick S. Reich husband of the beneficiary, 3986 Beechgrove, Pontiac, Mich.

The beneficiary was born at Kumamoto, Japan, on September 17, 1927. She has lived all her life in her native country where she received the equivalent of a high-school education. She resides with her father, Tasuri Riu, at 89 Mishitsuyu-Machi, Fukuoka City, Japan. From 1944 until 1948 she was employed as a nurse at Fukuoka City, Kyushu, Japan. She is presently unemployed.

Frederick Scott Reich, husband of the beneficiary, was born on February 18, 1930, at Highland Park, Mich. He was inducted into the Armed Forces of the United States on April 30, 1951, and served until January 30, 1953, when he was honorably discharged. He testified that he first met the beneficiary on April 16, 1952, while on active duty with the United States Army in Kokura, Japan. After he was discharged from the Army at Camp Carson, Colo., on January 30, 1953, he returned to Japan and on August 7, 1953, in Fukuoka, Japan, he was married to the beneficiary. He desires to bring the beneficiary to the United States in order that together they can lead a normal happy married life and raise a family. He sends the beneficiary approximately $60 per month at the present time.

Mr. Reich is employed by the Fisher Body Co., Pontiac, Mich., as a cushion trimmer and earns $2.10 per hour.

The beneficiary has no relatives or friends in the United States other than her husband. Her father, brother, and sister reside in Japan.

It is indicated that in January or February 1953 the beneficiary was convicted at Kokura, Japan, of prostitution and fined 10,000 yen which amounts to approximately $30 in American currency. It is further indicated that such conviction was the cause for her inability to obtain an immigrant visa in October 1953 at the American consulate in Fukuoka, Japan. The committee may desire to communicate with the Bureau of Security and Consular Affairs of the Department of State for further information in this matter.

The Director of the Visa Office, Department of State, also submitted the following report to the Committee on the Judiciary of the House of Representatives concerning the case:

DEPARTMENT OF STATE,
Washington, August 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 16, 1954 and its enclosures, wherein you request a report of the facts in the case of Mrs. Takako Riu Reich, beneficiary of H. R. 9893, 83d Congress, 2d session.

It appears from information furnished by the American consulate at Fukuoka, Japan, that the alien was convicted by the Kokura Elementary Court of having prostituted herself on one occasion in 1953 and was sentenced to a small fine pursuant to Japanese law.

In view of the foregoing, it is believed that the alien is ineligible to receive a visa and excludable from admission into the United States not only under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as one who has been convicted of a crime involving moral turpitude, namely, prostitution, but also under the provisions of section 212 (a) (12) of the above-cited act as an alien who has engaged in prostitution. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of a visa to Mrs. Reich.

At this time the Department has no knowledge of any factor in Mrs. Reich's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Reich from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman George A. Dondero, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. DONDERO. Mrs. Reich is married to one of our American boys who was stationed in Korea with the 45th Division during the late conflict. While on leave for a rest period, he visited Japan, where he met and became attached to this young lady. After returning to Korea he corresponded with this Japanese girl, and just before going out on a rather dangerous outpost he realized that he was very much in love with her. Accordingly, he wrote and asked her to become his wife. She accepted his proposal but was afraid he would never return, believing he might be killed or perhaps that he would wander away as many of the American boys did after winning her affection. She has the equivalent of a high-school education and from 1944 to 1948 was employed as a nurse at Fukuoka City, Kyushu, Japan.

When Frederick S. Reich, who is a resident at Pontiac, Mich., left Korea for the United States, his ship was scheduled to stop at Sasebo, Japan, and accordingly his fiance planned to meet him there. However, she did not receive his letter telling her when he would arrive. Mr. Reich had but 36 hours at this port and was extremely busy getting ready for the next leg of his trip. This no doubt influenced her to believe that he had lost interest in her and would not return.

One year and three months later, to be exact July 7, 1953, they met again. To clarify the situation this soldier met Takako Rin Reich during April of 1953; he left Korea for Sasebo, Japan, and the United States during September 1953.

Your records will show that this Japanese lady on January 27, 1953, was convicted at Kokura, Japan, of prostitution and fined 10,000 yen, which amounts to approximately $30 in American currency. This conviction has been the cause for her inability to obtain an immigrant visa, for which she applied in October 1953 at the American consulate in Fukuoka, Japan.

The soldier was discharged from the service on January 30, 1953. He returned to Japan and they were married on August 7, 1953, but he was obliged to return to the States as of November 4, 1953.

In addition, Congressman Dondero submitted the following statement from the husband of the beneficiary of the bill:

STATEMENT OF FREDERICK S. REICH, HUSBAND OF TAKAKO RIU REICH, RELATING TO HIS MEETING, CORRESPONDENCE, RETURN TO JAPAN AND SUBSEQUENT MARRIAGE TO THE PERSON IN QUESTION

COUNTY OF OAKLAND,
State of Michigan, ss:

I first met my wife while on a rest leave from Korea where I was a member of the 45th Division. I remember that after living in the dirt and noise of Korea, all I wanted in Japan was rest and quiet. The first 2 days of my leave at Camp Kokura, located in the city of Kokura, I spent simply eating, sleeping, reading books at the fine library they have there and going to the camp movies.

I wasn't sure I could take the noise of the city and was reluctant to leave the camp; that is until I ran into an old basic training buddy who was also on leave in the same city. I hadn't known him too well while at Fort Riley, where I took basic but he was determined to take me into town for a drink (the first drink I ever had, believe it or not).

After a few drinks, we visited some of the shops and bought a few items to send back home. My friend had a girl he was to meet that evening and wanted me to come along with him. I believe he wanted someone to drink with as most of the Japanese girls do not drink. I wanted to get away from him as I felt a bit out of place in the bars and clubs he visited. I did go over to his girl's home, however, and after finding that I had no date for that evening, she promptly decided she knew just the girl for me.

After returning to Korea, we wrote to each other quite often and just before I was to go out on a rather dangerous outpost, her full meaning in my life came to me. I wasn't sure if I would be coming back; it was pretty bad out there and I had to ask her if she would marry me. I wanted her to know how I felt even though I might never be able to see her again. I was lucky. I got back and when she wrote her next letter she said she would marry me but that she did not really believe I would return. She was genuinely worried about me; perhaps in the belief that I might be killed or badly wounded and even though she wanted to believe me, she wasn't quite sure. You can picture her state of mind.

When I left Korea for the United States, our ship stopped at Sasebo in Japan. Takako and I had planned to meet there but she did not receive my last letter telling of my arrival. I was only there for 36 hours anyway and most of that time I was kept rather busy getting ready for the next leg of my trip. It wasn't until July 7, 1953, that we met again, 1 year and 3 months after those few days we spent while I was on leave.

It might be wise to get a few dates straight at this point.

April 1953: I met my wife.

September 1953: I left Korea for Sasebo, Japan, and then the United States.

January 27, 1953: The date my wife committed her crime (details to be found in court records).

January 30, 1953: Date of my discharge from the Army.

July 25, 1953: Date I arrived in Japan.

August 7, 1953: Date of marriage.

November 4, 1953: Date I returned to the United States.

Upon reaching the United States, I am afraid I became lax in my letter writing. I sent Takako money but she needed more than that. She needed my words of reassurance. I was kept very busy my last 3 months in the Army and so didn't keep up my correspondence the way I should have. This may likely have been the reason for her indiscretion. I forgave her as soon as I found out. She never told me about it and hoped it would never come up. When it did come to light she completely broke down and wanted me to divorce her. She felt that nobody could want her after finding out such a thing. The idea of divorce never has entered my mind. What she did countless other women have done and never gotten into trouble but the fact remains she did have military scrip with her when picked up which the American soldier had given her. I feel now she will never break my trust no matter how long we are apart. I shall never forget those wonderful 3½ months I spent in Japan. I could fill a thousand pages with the happiness and love we shared in that short time.

As a closing thought, I would like to say that with the world in the state it is today, love is a very rare and sacred thing. I believe our love is strong and will last.

FREDERICK REICH.

Subscribed and sworn to before me a notary public in and for Oakland County, Mich.

CAROL A. PONTNEY.

My commission expires March 7, 1958.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 990) should be enacted.

○

Calendar No. 651

84TH CONGRESS, 1st Session } SENATE { REPORT No. 646

PHILIP MACK

UNIV. OF MICH.
JUL 7 1955
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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1111]

The Committee on the Judiciary, to which was referred the bill (H. R. 1111) for the relief of Philip Mack, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of crimes involving moral turpitude and one who has been previously deported in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native of New Zealand and subject of Great Britain who presently resides in New Zealand. The beneficiary last entered the United States on July 28, 1948, as a seaman. On September 10, 1949, he married a citizen of the United States and an application for preexamination was subsequently approved. However, the beneficiary was advised by the consul in Montreal, Canada, that he was considered ineligible to receive a visa because he had been convicted of crimes involving moral turpitude prior to entry and that he admitted having committed crimes involving moral turpitude prior to entry. The record discloses that the beneficiary was convicted on four occasions in New Zealand for the crime of theft. On October 22, 1953, the beneficiary was deported. The beneficiary's wife and a citizen daughter, born July 29, 1953, reside in New York. Without the waivers provided for in the bill, the beneficiary will be unable to join his family in this country.

A letter, with attached memorandum, dated June 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8707, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JUNE 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8707) for the relief of Philip Mack, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would authorize the alien's admission into the United States for permanent residence notwithstanding the provisions of section 212 (a) (9) of the Immigration Act, which excludes from admission into the United States aliens convicted of crimes involving moral turpitude and section 212 (a) (17) of that act, which excludes from admission into the United States aliens who have been deported, if he is found to be otherwise admissible under the provisions of that act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PHILIP MACK, BENEFICIARY OF H. R. 8707

The beneficiary, Philip Mack, also known as Philip Ronald Mack, also known as Ronald Fridolfe Mack, born May 5, 1922, is a native of New Zealand and a subject of Great Britain. He is presently residing in New Zealand. He last entered the United States at New York as a crewman on July 28, 1948, for a period not to exceed 29 days. He did not depart with his vessel but continued to remain in the United States without authorization. He married the sponsor, Louise Mack, a native-born United States citizen on September 10, 1949. On November 7, 1949, he submitted an application for the privilege of preexamination. On February 1, 1950, his application was approved.

On May 10, 1951, this Service and the beneficiary were advised by the consul general of the United States, Montreal, Canada, that a report from New Zealand indicated that the beneficiary had been convicted of theft and consequently the consul considered the beneficiary ineligible for a visa. On May 28, 1952, the beneficiary was served with a warrant of arrest in which it was charged that he was a seaman who remained in the United States longer than permitted by law; that he has been convicted of crimes involving moral turpitude prior to entry into the United States and that he admits to having committed crimes involving moral turpitude prior to entry.

At the hearing, held July 21, 1952, there was made part of the record a certification from the criminal registration branch, Police Department, Wellington, New Zealand, setting forth the following convictions relating to the beneficiary:

(1) At Wellington: Theft of wristwatch; tried June 21, 1943; sentenced to 1½ years, Borstal Institution.

(2) At Auckland: Theft of United States of America property and theft of a gold wristwatch; tried June 28, 1943; sentenced to 2 years, Borstal Institution, on first charge and convicted and discharge on the second charge.

(3) At Hamilton: Three charges of theft and one of illegally wearing United States Army uniform; tried January 3, 1945; released on probation for a period of 2 years on each charge.

(4) At Auckland: Four charges of theft of property from servicemen of the United States and from United States ships in port; tried July 12, 1945; sentenced 3 months on each of 3 charges and 1½ years' reformative detention on fourth charge.

The beneficiary admitted that the records of conviction related to him and stated that he plead guilty to all the convictions referred to in the certificate. The hearing officer ordered that the beneficiary be deported. On December 9, 1952, the Board of Immigration Appeals dismissed the appeal from the decision. On the same date, a warrant of deportation was issued. On October 22, 1953, the beneficiary was deported.

The following information concerning the beneficiary has been obtained from an examination of the file and facts provided by the sponsor.

The beneficiary attended elementary school in his native country for a period of 8 years. He has no knowledge of his parents. He claims that he raised himself from the age of 14 years and that he attributes the crimes for which he was convicted to the fact that he never had parental guidance. While in the United States he had numerous positions which he held for short periods of time. His last employment was that of an assistant to the custodial engineer of a high school under the jurisdiction of the Board of Education, New York City. He is presently employed on the docks in New Zealand. He has no relatives in the world other than the sponsor and a daughter, born July 29, 1953, in Brooklyn, N. Y.

The sponsor is a graduate of elementary school and attended high school for 2 years. She has been employed as a comptometer operator and biller by Dumari Textile Co., New York City, for a period of 18 years. She earns $60 weekly plus bonuses. Her assets consist of $1,516.12 on deposit in 2 savings accounts and personal effects valued at $1,000. Her parents and daughter, with whom she resides, are dependent on her for their support.

The Director of the Visa Office, Department of State, also submitted to the Committee on the Judiciary of the House of Representatives the following report dated May 3, 1954:

DEPARTMENT OF STATE,
Washington, May 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of April 23, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. Philip (Ronald) Mack, beneficiary of H. R. 8707, 83d Congress, 2d session.

A communication received from the American Embassy at Wellington reports that on June 21, 1943, Mr. Mack was convicted of the theft of a wristwatch from a room in the YMCA at Wellington, and sentenced to imprisonment for 1 year and 6 months. On June 28, 1943, he was convicted of the theft of United States property and equipment which he admitted stealing from members of the United States Armed Forces, and sentenced to imprisonment for 2 years. On a second charge of the theft of a gold wristwatch from the room of a member of the United States Armed Forces he was convicted and discharged.

The communication from the Embassy at Wellington reports further that on January 3, 1945, Mr. Mack was before the court at Hamilton on 3 charges of theft and 1 of illegally wearing the uniform of the United States Army. He was released on each charge on probation for 2 years. On December 7, 1945, Mr. Mack was before the court at Auckland on 4 charges of the theft of property from members of the United States Armed Forces. He was sentenced to hard labor for 3 months on each charge, and on 1 charge to reformative detention for 1 year and 6 months.

The crime of theft has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to withhold the issuance of an immigrant visa to Mr. Mack.

At this time the Department has no knowledge of any factor in Mr. Mack's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Mack from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Representative Edna F. Kelly, the author of the bill, submitted to the Senate Committee on the Judiciary the following affidavits in support of the bill:

STATE OF NEW YORK,
County of Kings, ss:

Louise Mack, being duly sworn deposes and says:

That I am the wife of Philip Mack, who is seeking to reenter the United States after having been deported.

That we have one child, a daughter, by the name of Lauren, who was born July 29, 1953, and who resides with me at 125 Schenectady Avenue, Brooklyn, N. Y.

That I have known my husband, Philip Mack, since May 1949 and he has always been a perfect gentleman during our courtship and a very good provider during our marriage. He is a wonderful family man and a good and loyal husband and father. He has never been unemployed and is a steady and conscientious worker. He has made many good and loyal friends while he was in the United States and has been active in social and civic affairs in his community. He is a member of the auxiliary police of the 80th Precinct in Brooklyn, N. Y., and I have personally received many complimentary remarks as to the fine work which he has done.

I know that my husband will make a very fine citizen for he has shown his interest in the betterment of his community not by words alone but by actually engaging in civic affairs. In all the time that I have known him he has not done anything which would be a discredit either to himself or to his family.

I appeal to you to allow my husband to reenter the United States for both my daughter and I need the loving care that my husband can give to us in addition to easing the financial burden which has been thrust upon me alone as a result of my husband not being here to provide for us.

LOUISE MACK.

Sworn to before me this 30th day of March 1955.

FELIX G. RESTAINO,
Notary Public, State of New York.

Commission expires March 30, 1957.

STATE OF NEW YORK,
County of Kings, ss:

Emily Ullerich, being duly sworn deposes and says:

That I reside at 207 Sterling Place, Brooklyn, N. Y.

That I have known Philip Mack and Louise Mack, his wife for several years.

That during the time which I have known Philip Mack he has proven himself to be a man of good moral character, a good husband and a fine father. I know him to be a good family man and he has always been a good provider for his home and his family.

That I know of my own personal knowledge that Philip Mack has always been interested as well as quite active in all civic affairs and in the betterment of his community.

That Mr. Mack has spent much of his time performing his obligations as a member of the society in which he lived by joining the forces of civil defense in his community and becoming a member of the auxiliary police in his community and performing his tours of duty willingly and conscientiously.

That Mr. Mack was always a steady churchgoer and always saw to it that religion was a part of his family life.

That I have never heard anything about Mr. Mack that would tend to be a blot on his character and reputation, but rather, I have always heard him spoken of as a very fine person.

That I know that his wife, Louise Mack has been suffering great hardships, as well as her child, as a result of her husband's not being with them.

That I can truthfully say that my associations with Mr. Mack have made me happy and proud to be his friend.

EMILY ULLERICH.

Sworn to before me this 31st day of March 1955.

CHARLES M. BERKEL,
Notary Public, State of New York.

Term expires March 30, 1957.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1111) should be enacted.

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Calendar No. 652

84TH CONGRESS, 1st Session } SENATE { REPORT No. 647

LEE HOUN AND LILY HO LEE HOUN

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1163]

The Committee on the Judiciary, to which was referred the bill (H. R. 1163) for the relief of Lee Houn and Lily Ho Lee Houn, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Lee Houn and Lily Ho Lee Houn. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 59-year-old couple who are natives and citizens of China. They entered the United States via Honolulu, T. H., on September 13, 1952, as visitors and are presently residing with their daughter in Oakland, Calif. The beneficiaries also have 1 other child who is a United States citizen and 3 children residing abroad. The husband operated a baker and grocery store in the Fiji Islands from 1912 to 1947. When he returned to China to retire, he lost his assets and was forced to leave when the Communists took control. He then returned to the Fiji Islands in 1950 and operated a bakery which he is now attempting to sell so that he may retire and remain in the United States with his family.

A letter, with attached memorandum, dated January 18, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 5647 which was a bill pending in the 83d Congress for the relief of the same aliens reads as follows:

Hon. Chauncey W. Reed,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

Dear Mr. Chairman: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5647) for the relief of Lee Houn and Lily Ho Lee Houn, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the San Francisco, Calif., office, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quotas.

Both beneficiaries are natives and citizens of China and therefore chargeable to the quota for Chinese.

Sincerely,

———— ————, *Commissioner.*

Memorandum of Information From Immigration and Naturalization Service Files Concerning Lee Houn and Lily Ho Lee Houn, Beneficiaries of H. R. 5647

Lee Houn and his wife, Lily Ho Lee Houn, are 59 years of age, natives and citizens of China, of the Chinese race, and they entered the United States via Honolulu, T. H., on September 13, 1952, as visitors for 3 months. Their extensions of stay were denied and they were given until February 1, 1954, in which to depart from the United States. Deportation proceedings have not been instituted.

Lee Houn has had 10 years of schooling, and his usual occupation is that of a baker. His wife has had 8 years of schooling, and is not employed. They have 2 children residing in the United States, both being United States citizens, and 3 children residing abroad. They were married in 1919, and have resided most of that time in the Fiji Islands. The male subject operated a bakery and grocery store in Suva, Fiji Islands, from 1912 to 1947, at which time he returned to Canton, China, to retire, but lost his assets and had to leave when the Communists took control. In 1950 he returned to the Fiji Islands and again started a bakery which he operated until he came to this country in 1952. They reside with their daughter, Winifred Anne Lee, at 307 Hanover Avenue, Oakland, Calif.

Mr. Lee is attempting to sell his bakery in the islands, and wishes to retire and stay here in the United States. He and his wife are chargeable to the quota for Chinese, which is not available.

Congressman Thomas J. Lane, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of his measure as follows:

Mr. Chairman, H. R. 1163 is for the relief of Lee Houn and his wife, Lily Ho Lee Houn, who are visiting in the United States, and are most anxious to adjust their status, so that it will be possible for them to remain in this country with their daughters.

They do have three sons in the Fiji Islands, but they are well established and are not dependent upon their parents for any assistance. Also, they have responsibilities of their own.

However, the girls, one residing in my congressional district, and the other from California, residing in the congressional district of Congressman George P. Miller, are anxious to care for their parents and have assured me of the fact that their deportation would work an extreme hardship.

This bill is deserving since the subjects are ineligible for adjustment of status under the Refugee Relief Act of 1953 because of the fact that they last resided in Navua, Fiji Islands, and are not prevented from returning to their last residence because of persecution or fear of persecution on account of race, religion, or political opinion, and their only means of relief is by enactment of this proposal.

Thomas J. Lane.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1163) should be enacted.

Calendar No. 653

84TH CONGRESS, 1st Session | SENATE | REPORT No. 648

CAROL BRANDON (VALTRUDE PROBST)

UNIV. OF MICH.
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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1247]

The Committee on the Judiciary, to which was referred the bill (H. R. 1247) for the relief of Carol Brandon (Valtrude Probst) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Carol Brandon (Valtrude Probst). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Italy who last entered the United States on March 22, 1953, as a visitor. In March 1954, the beneficiary was legally adopted by her aunt and uncle, who are citizens of the United States. Before entering the United States, the beneficiary had been in the care of an aged grandmother, who was neither financially nor physically able to care for her. The beneficiary is presently attending high school and is entirely dependent upon her adoptive parents for support.

A letter, with attached memorandum, dated August 2, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8960, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8960) for the relief of Carol Brandon (Valtrude Probst), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant the beneficiary is chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CAROL BRANDON (VALTRUDE PROBST), BENEFICIARY OF H. R. 8960

Carol Brandon, also known as Valtrude Probst, a native and citizen of Italy, was born in Bolzano, Italy, on July 21, 1934. Her last residence abroad was in Bolzani, Italy. She entered the United States at New York, N. Y., on March 22, 1953. She was admitted as a temporary visitor for pleasure. This is her only entry to the United States. She received extensions of stay, the last of which expired on March 13, 1954. She was denied a change of status to that of a nonimmigrant student and has been granted the privilege of departing voluntarily from the United States but to date has not availed herself of that privilege.

Since her entry Miss Brandon has attended the Greenwich High School in Greenwich, Conn., and is presently in her second year at that school. She has been legally adopted by an uncle, Karl Brandon, and is entirely dependent upon him for support. Mr. Brandon, who is a naturalized citizen of the United States, is manager of the Round Hill Country Club, Greenwich, Conn., at a salary of $10,000 per year. He owns his home in Cos Cob, Conn., which is valued at $24,000 and has stocks in the amount of $30,000.

Miss Brandon is unmarried and has no one in the United States dependent upon her for support. Her only relatives in the United States are her aunt and uncle, now her adopted parents. Her mother and a half-brother reside in Italy. Miss Brandon is the child of an unknown father. She attended primary and grammar schools in Italy. She has always resided in Italy.

The following letter, dated March 4, 1955, was addressed to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives with reference to the case:

PULLMAN, COMLEY, MARSHALL & PARKER,
Greenwich, Conn., March 4, 1955.

Re Carol Brandon (Valtrude Probst), private bill H. R. 1247.

Congressman FRANCIS E. WALTER,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN WALTER: On behalf of our client, Miss Carol Brandon, we are writing to you as chairman of the Immigration and Nationality Subcommittee of the House Judiciary Committee. Miss Brandon entered the United States in March 1953, when she was 16 years old, on a visitor's visa. She came with her aunt and uncle, Mr. and Mrs. Karl Brandon, of Greenwich.

She was the natural daughter of Mr. Brandon's sister and had been in the care of her aged grandmother in Bolzano, Italy, where she had been born. She therefore was in effect an orphan, since the grandmother was neither financially or physically able to bring her up. Mr. Brandon, who is an American citizen, as is his wife, is well able to provide his niece with the best of support and education. In March of 1954 Mr. and Mrs. Brandon adopted Carol, who was then known as Valtrude Probst, by a proceeding brought in the Greenwich Probate Court. She is now in her junior year at the Greenwich High School and is making very satisfactory progress.

In the spring of 1954 she applied for a change of status from visitor to student but this was denied. Subsequently, on April 29, 1954, Congressman Morano,

of our congressional district, introduced House bill 8960 in the 2d session of the 83d Congress. There was not sufficient time for action on this bill in the last Congress and Mr. Morano has now reintroduced the bill as No. 1247. Besides Mr. Morano, Senator Bush, of this State, is personally acquainted with the Brandon family and has promised his support in the Senate.

Deportation proceedings were instituted against Miss Brandon by the Immigration and Naturalization Service, but her voluntary departure from the United States has been delayed pending action on H. R. 1247. We feel that Miss Brandon's is a very worthwhile case, since she is still a minor, is the adopted daughter of American citizens as well as being their niece, and since there is no relative in the country of her origin who is able to care for her. She is now getting a good education and it would be a tragic thing if her schooling were interrupted and she were deported. Needless to say, she has no police record of any kind and has very good character references.

We urge your favorable consideration of H. R. 1247.

Cordially yours,

EVERETT FISHER.

Senator Prescott Bush has introduced in the Senate a similar bill, S. 1537, for the relief of the same beneficiary, and the following letter, dated May 18, 1955, was addressed to the chairman of the Senate Committee on the Judiciary:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
May 18, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: On March 23, I introduced S. 1537, copy of which is attached for your r ady reference, for the relief of Carol Brandon (Valtrude Probst). On April 19, a similar measure, H. R. 1247, was passed by the House of Representatives. I hand you herewith a copy of the House bill and the report of the House Judiciary Committee.

The young lady i question is the adopted daughter of her aunt and uncle, Mr. and Mrs. Karl Brandon, of Greenwich, Conn. She is still a minor and attending school in the United States, and it would be a tragic thing if she would be deported. For this reason, I hope your committee will give early and sympathetic consideration to this legislation, and concur in the action of the House of Representatives.

Thanking you, I am

Sin erely yours,

PRESCOTT BUSH,
United States Senator.

In view of the fact that the committee is reporting the instant bill favorably, the bill (S. 1537) will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1247) should be enacted.

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Calendar No. 654

84TH CONGRESS, 1st Session | SENATE | REPORT No. 649

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FERENC BABOTHY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1255]

The Committee on the Judiciary, to which was referred the bill (H. R. 1255) for the relief of Ferenc Babothy, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Ferenc Babothy. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 40-year-old native of Hungary who last entered the United States from Switzerland on February 28, 1951, as a visitor. He claims to be stateless at the present time. The beneficiary was a member of the Hungarian Parliament and presently of the anti-Nazi and anti-Communist Christian Agrarian Youth Organization, and because of his strong opposition against communism, he had to flee Hungary. In March 1951, the beneficiary was employed by the National Committee for a Free Europe and was engaged in the study of agricultural production and agricultural institutions. He subsequently moved to Virginia and from about March 1952, he has been in partnership in the operation of two dairy farms from which he derives a substantial income.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 2401, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2401) to adjust the status of a displaced person, Ference Babothy, in the United States who does not meet all the requirements of section 4 of the Displaced Persons Act, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax. It would also direct that one number be deducted from the appropriate immigration quota. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax.

The alien is chargeable to the quota for Hungary.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FERENCE BABOTHY, BENEFICIARY OF H. R. 2401

Ference Babothy, a native of Hungary, who claims to be stateless, was born on November 27, 1915. He last entered the United States from Switzerland at the port of New York on February 28, 1951, and was admitted as a visitor for a 6 months' educational trip. He was granted an extension of stay until November 27, 1951, but a further extension was denied to him and he was given until December 21, 1951, to depart from the United States. He failed to so depart, and on May 26, 1952, a warrant of arrest was issued in deportation proceedings on the charge that after admission as a visitor he remained in the United States for a longer time than permitted. He was released on conditional parole. A private bill, H. R. 3433, 82d Congress, was introduced in his behalf, but failed of congressional approval.

During March 1951, Mr. Babothy became employed by the National Committee for a Free Europe in New York City, where he engaged in the study of agricultural production and agricultural institutions, for which he received a salary of $300 a month. He subsequently went to Herndon, Va., where he rented the Hollywood Dairy Farm. About October 1952, he entered into a partnership with Jeno Cseplo (beneficiary of S. 233, 83d Cong.) in the operation of their two dairy farms. The net income on the sale of milk from the two farms is approximately $3,500 a month.

Mr. Babothy is unmarried, and has no relatives in the United States. He has a brother in Czechoslovakia. His parents are deceased. He entered the Hungarian National Army in 1943 and received a disability discharge in 1944 as the result of a leg wound.

The following letters were submitted to the Committee on the Judiciary of the House of Representatives in support of the bill:

CHRISTIAN DEMOCRATIC UNION OF CENTRAL EUROPE,
New York, N. Y., March 19, 1955.

The Honorable FRANCIS E. WALTER,
Chairman of the Immigration and Naturalization Subcommittee,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN WALTER: I am taking the liberty of writing to you with regard to the case of Mr. Ferenc Babóthy, who is a member of the Hungarian National Council and on whose behalf Congressman Albert P. Morano introduced private bill 1255.

Mr. Babóthy is a prominent member of the Christian Democratic Movement which is at the forefront of the battle against communism.

Mr. Babóthy and his case, in my opinion, deserve your kind attention. May I ask you, therefore, to grant an early and favorable decision in this matter.

I will appreciate your generous support in this case. With my sincere expression of gratitude, I remain

Very truly yours,

Msgr. JOSEPH KOZI HORVATH, *President.*

HUNGARIAN NATIONAL COUNCIL,
New York, N. Y., March 16, 1955.

The Honorable EMANUEL CELLER,
Chairman of the House Judiciary Committee,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN CELLER: The Honorable Albert P. Morano, Congressman from Connecticut, introduced private bill H. R. 1255 on behalf of Mr. Ferenc Babóthy, a member of the Hungarian National Council.

Mr. Babóthy was a member of the Hungarian Parliament and president of the anti-Nazi and anti-Communist Christian Agrarian Youth Organization. Because of his strong opposition against communism, he had to flee Hungary. He arrived in this country as a visitor in February 1951, and for a long time he participated in the fight against communism as a lecturer for the Free Europe Committee, under whose auspices he gave addresses in various parts of the United States.

May I ask, Mr. Congressman, for your kind protection in this matter, which I am sure will insure the settlement of Mr. Babothy's immigration status in the near future.

Thanking you in advance for your favorable consideration of my letter, I am,
Yours sincerely,

Msgr. BELA VARGA.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1255) should be enacted.

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Calendar No. 655

84TH CONGRESS, 1st Session | SENATE | REPORT No. 650

CARLO NONVENUTO

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1281]

The Committee on the Judiciary, to which was referred the bill (H. R. 1281) for the relief of Carlo Nonvenuto, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Carlo Nonvenuto. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 56-year-old native and citizen of Italy, who last entered the United States on May 9, 1951, in possession of a border-crossing card. He first entered the United States in September 1923 as a seaman. In connection with his last entry, the beneficiary had been granted preexamination to proceed to Canada for the issuance of a visa. However, he was found to be inadmissible because of membership in the Communist Party from 1925 to 1927. The beneficiary states that since his resignation from the Communist Party he has been approached to rejoin and has refused and that he has taken an active part in fighting the Communist Party, both in the painters' union to which he belongs, and outside of the union. The beneficiary was married to a United States citizen on September 16, 1939, and they have 2 citizen children, who are 10 and 12 years of age. The beneficiary's wife suffered a heart attack several months ago, and is now confined to bed for an indefinite period, as she cannot

express in speech or assist herself. It is stated that the beneficiary is well regarded and that he is a hard-working family man.

A letter, with attached memorandum, dated May 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7027, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

MAY 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7027) for the relief of Carlo Nonvenuto, there is attached a memorandum of information concerning the benficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of these files.

The bill would provide that the beneficiary shall be considered as having been lawfully admitted to the United States for permanent residence as of the date of his entry into this country, upon payment of the visa fee and head tax. It would also direct that one number be dedueted from the appropriate immigration quota. It should be noted that the usual bill of this nature provides for the granting of lawful permanent residence as of the date of enactment, in which event, under the present Immigration and Nationality Act, the payment of head tax is not required.

The beneficiary is married to a native-born citizen of the United States and would ordinarily be entitled to nonquota status. However, because he has been a member of the Communit Party in the United States, he is ineligible to receive a visa and is excludable from admission into the United States.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CARLO NONVENUTO, BENEFICIARY OF H. R. 7027

The beneciary, Carlo Nonvenuto, who has also been known as Charles Anno and Charles Bovia, a native and citizen of Italy, was born on January 19, 1899 in Naples, Italy. He first entered the United States at New York, N. Y., as a seaman in September 1923 and deserted ship. He applied for a certificate of registry under the act of Congress approved March 2, 1929, as amended; however, registration was denied for the reason that he could not establish that he had resided continuously in the United States since prior to July 1, 1924. He subsequently applied for preexamination and was found to be admissible to the United States. He was issued a border-crossing card and informed that he could proceed to the United States consulate, Montreal, Canada, for issuance of a visa. He was refused a visa under authority of section 22 (2) (c) of the Internal Security Act of 1950 because of membership in the Communist Party from 1925 to 1927. He returned to the United States through Rouses Point, N. Y., on May 9, 1951, and on August 4, 1952, a warrant of arrest was served on him. Deportation proceedings were commenced on August 15, 1952, on the ground that he is in the United States in violation of the act of May 26, 1924, in that, at the time of entry, he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said act or regulations made thereunder; he was also charged with being in the United States in violation of the act of October 16, 1918, as amended, in that he had been, prior to entry, a member of the following class, set forth in section 1 of said Act: An alien who was a member of the Communist Party of the United States. After a hearing he was ordered deported on September 12, 1952.

He admitted membership in the Communist Party in the United States from 1925 to 1927 and stated that since his resignation from the Communist Party he has been approached to rejoin and has refused. Further, that he has taken an active part in fighting the Communist Party both in the painters' union and outside of the union.

The beneficiary resided in Torre de Greco, Italy, from 1899 to 1902 and in Algiers, France, from 1902 to 1910 or 1911 and then in Torre de Greco, Italy,

until he came to the United States. He attended school about 4 years in France and a few nights in Italy. He was employed as a seaman from 1910 or 1911 until he came to the United States, except for a period of about 2 years about 1919 to 1921 when he served in the Italian Navy.

The beneficiary married Maria Caporaso, a United States citizen, at Newark, N. J., on September 16, 1939, and has two children born of this union. He has been employed as a painter in the United States and his present salary is $2.89 an hour. He has $200 or $300 in the bank and is buying his home, which consists of a store on the first floor with a 4-room apartment on the second floor. He has a $7,500 mortgage on the building.

Congressman Abraham Multer, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill as follows:

Mr. Nonvenuto entered New York as a member of the crew of the steamship *Colombo* in 1923. He deserted the ship, and lived in this country until May 1951 when he went to Canada to adjust his immigration status, having been granted preexamination rights. He was in Canada only a few days and returned to this country. At that time it was ascertained that Mr. Nonvenuto's membership in the Communist Party many years ago barred his securing a visa.

Mr. Nonvenuto joined the Communist Party in 1925 and remained a member until 1927, during which time he attended about 25 meetings and contributed small sums of money, probably dues. Mr. Nonvenuto joined to advance anti-Fascist activities, the party being represented to him as an anti-Fascist organization for the help of seamen. He never held any office. He informally withdrew from the party when he realized its totalitarian character and has never had any connection since then with the movement.

He was investigated and cleared for work at the Brooklyn Navy Yard during the war. He maintained a good record there, and has references from his parish priest and other reputable persons to whom he is well known. The National Catholic Welfare Conference has been trying to aid him.

Mr. Nonvenuto has been married about 18 years to an American citizen and has two minor children. He is a good husband and father, a hard worker, and there is no derogatory information known about him except his membership in the Communist Party almost 30 years ago and to which he was attracted because of his hatred of fascism in his native country.

Inasmuch as no administrative remedy is available in his case and considering the circumstances surrounding his membership in the Communist Party, his otherwise clear record, and the grave suffering incurred by his American wife and children by his deportation, I respectfully urge the favorable consideration of this bill.

In addition, Congressman Multer submitted the following statements in connection with the case:

FEBRUARY 4, 1955.

Hon. ABRAHAM MULTER,
New House Office Building, Washington, D. C.

DEAR SIR: In reply to your letter dated January 28, 1955, the following statement is hereby made:

I entered this country in 1923. I was employed by the Navigazione Generale Italiana on one of this ships called the *Columbo*, from which I jumped one day in the harbor of New York City. Since that time, except for the few hours I was in Canada when ordered by the United States Immigration Department to apply for a visa, I have always resided in Brooklyn, N. Y.

In 1925 I joined a Communist Party to oppose the Fascist activity as at that time it was the only party fighting it. In 1927 I discovered that their principal ideas were dictatorial, antidemocratic, and as a result I resigned from the party. Since that time and when ever the occasion arises, I will fight to oppose them. The enclosed photostat (copy) is one proof of my loyalty to this country.

As a result of my past membership to the Communist Party, the American consul in Canada refused to issue me a visa, but allowed me to enter the United States in order to straighten out my alien status. I have been investigated by the Department of Immigration, and 2 months later was arrested and placed on a $2,000 bond. This is my past as of presently.

I am a Catholic and a strong believer, with all of my family. I believe in the democratic principles of government and do not believe in the overthrow of this Government.

The following is my hardship situation. My family consists of a wife, seriously ill with a heart disease and 2 daughters, age 10 and 12. A few months ago, my wife suffered a heart attack and is now confined to bed for an indefinite period of time, as she cannot express in speech or manage to assist herself. This misfortune and my now needed assistance to her is greatly required. The FBI and the Department of Immigration are well informed of this. Enclosed is a copy of the doctor's certificate to substantiate proof.

For this primary reason I am applying to the highest authority of the United States to halt or suspend my deportation so as to perform my duties as a husband and father in assisting these 3 unfortunate dependents, of which it is sorrowful to say that there may well be only 2, for my wife cannot live without me, in her present condition, if I am deported and consequently my 2 daughters will become orphans of the state.

I am appealing in the name of humanity and integrity not to allow this to happen.

I do hope this information is sufficient to you as requested; however, do not hesitate to reply if additional information which may be needed.

Very truly yours,

CARLO NONVENUTO.

BROOKLYN, N. Y., *November 15, 1954.*

To Whom It May Concern:

Mrs. Marie Nonvenuto of 7716 18th Avenue, Brooklyn, N. Y., has been a patient of mine for a number of years. Her condition has become aggravated recently following a heart attack which occurred a few weeks ago.

Her condition is such as to require several months of care and rest and constant watching.

DAVID ORZECK, M. D.

BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA,
ITALIAN LOCAL UNION NO. 874.
New York, June 2, 1953.

To Whom It May Concern:

I have known Carlo Nonvenuto since October 20, 1936. That day he was initiated as a member of local union 874, of which I was and still am financial secretary.

To the best of my knowledge Mr. Nonvenuto has never participated in any un-American activities, nor do I have any knowledge of him ever being a member of the Communist Party. In fact, his activities in our organization and his actions at all times showed otherwise.

I can vouch for his honesty, and I know him to be a hard-working family man, the type that usually makes good American citizens.

LOUIS CAPUTO,
Financial Secretary, Local Union 874.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1281) should be enacted.

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Calendar No. 656

84TH CONGRESS, 1st Session } SENATE { REPORT No. 651

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OLGA JOANNOU GEORGULEA

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1283]

The Committee on the Judiciary, to which was referred the bill (H. R. 1283) for the relief of Olga Joannou Georgulea, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Olga Joannou Georgulea. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 67-year-old native and citizen of Greece, who last entered the United States on September 23, 1952, as a visitor. She first arrived in the United States in 1911, remained until 1920, and then returned to Greece with her husband and two sons. The beneficiary is a widow and resides with her only living child, a married daughter, who was admitted to the United States for permanent residence in June 1951. Her son, a native-born citizen of the United States, was killed in action while a member of the United States Armed Forces in World War II. The beneficiary is in failing health and her daughter states that she will provide for her mother for the remaining years of her life.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natural-

ization with reference to H. R. 6695, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., January 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6695) for the relief of Olga Joannou Georgulea, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a lawful permanent resident of the United States as of the date she entered the United States. It also directs that one number be deducted from the appropriate immigration quota. The bill does not provide for the payment of a visa fee as generally required and does not provide for payment of head tax pursuant to the statutory requirements in effect at the time of the alien's entry.

The usual bill of this nature provides for the recording of a lawful admission for permanent residence as of the date of enactment, in which case the payment of head tax would not be required.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLGA JOANNOU GEORGULEA, BENEFICIARY OF H. R. 6695

Olga Joannou Georgulea, a native and citizen of Greece, was born in July 1887. She first arrived in the United States in 1911, remained until 1920, and then returned to Greece with her husband and two sons. She last entered the United States at New York on September 23, 1952, as a visitor until April 1, 1953, under bond in the sum of $1,000. Her temporary stay was extended until September 22, 1953. On August 18, 1953, she applied for a further extension of stay which was denied because she indicated it was her desire to remain here permanently. Permission was granted for her to depart from the United States by November 7, 1953.

The beneficiary is a widow who now resides with her only living child, a married daughter, admitted to the United States for permanent residence in June 1951 She testified that her son, Nicholas, who was born in Newark, N. J., returned to the United States in about 1933 and was killed in action while a member of the United States Armed Forces in World War II. She receives $60 monthly from the United States Government due to her son's death and in addition is supported by her daughter. Prior to coming to the United States she resided in Greece where she has a brother, 3 sisters, and 5 grandchildren. The beneficiary is illiterate and claims she has no assets.

Congressman Abraham Multer, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavits in support of the bill:

PERSONAL AFFIDAVIT IN RE OLGA JOANNOU GEORGULEAS, ALSO KNOWN AS OLGA VAROUMIS. FILE NO. 0300-425038

STATE OF NEW YORK,
City of New York, County of Kings, ss:

Stamoula Vakalopoulos, being duly sworn, deposes and says:

That she was born in Greece and was admitted to the United States lawfully for permanent residence and now resides at 2114 Nostrand Avenue, Brooklyn, N. Y.

That Olga Joannou Georguleas, the person herein, whose proceedings are now pending and in whose behalf H. R. 1283 has been introduced and is now pending before the House Judiciary Committee, is her mother.

That in connection therewith she hereby submits for the committee's consideration the following relevant facts:

That her said mother is widowed and is 70 years old. That she first entered the United States in about the year 1911 and resided with her father, now deceased, until 1919 or 1920. That during said person's first residence in this country there were 5 children born to them, of whom 3 had died before their departure for Greece in about 1919 or 1920. That her parents' decision to return to their native country was prompted by their desire to better their health environment, for their three children had died here during an epidemic.

That her late brother Nick was born in the United States in about 1915 and was 1 of the 2 children surviving at the time of her parents' departure for Greece. Her said late brother returned to the United States in about 1933. He later served in the United States Armed Forces and while a soldier he was killed. As a result of said person's death her mother is now receiving a monthly pension from the United States Government.

That her said mother, being desirous of visiting her son's grave, was granted a visitor's visa and was allowed to enter the United States as a visitor in about September 1952. That said person's admission to the United States was for the aforestated purpose and to visit with your applicant, who is her only surviving child and chief interest in this life. That subsequent to her said mother's admission and while there was never an intention on her part to violate any of the conditions under which the admission and her stay were granted, her mother's condition was weakened due to her advanced age and due to a series of ailments of which the main is her weakened heart.

That due to the above-stated circumstances relating to her failing health and for the further reason that there was no other person in this world other than your applicant who could have afforded her the constant care and attention required by an old and lonely person, having been visited with so many misfortunes, request was made through Hon. Abraham J. Multer to introduce a bill legalizing her mother's status in the United States.

That your declarant assumes the responsibility of said person's maintenance and to provide for her the necessities of life in order that she may never become a public charge to any city or State or the United States Government.

That she respectfully prays that your committee consider this case favorably by granting her said mother the privilege of legalizing her status in the United States, thus affording her the opportunity to be near her only relatives for the remainder of the few years of her life and further that she be near the graves of her four deceased children.

STAVROULA VAKALOPOULOS.

Sworn to before me this 31st day of January 1955.

PANAGIOTIS D. STRATAKIS, *Notary Public.*

Term expires March 30, 1955.

BROOKLYN, N. Y., *March 25, 1955.*

To Whom It May Concern:

This is to certify that Mrs. Olga Geogouleas has been under my care for a few months. Her chief complaints are: On and off dizziness, pains of her right leg, making walking very difficult, and generalized debility. Her physical examination reveals that she is underweight, that she has high blood pressure (180/102), a tachycardia (pulse 80 to 90), almost complete adentia, and muscular contracture of the right leg posteriorly, making walking very difficult. For this I have advised a complete orthopedic examination and treatment.

It is my personal opinion that this woman cannot do without the care of her daughter.

Respectfully submitted.

EVANGEL GRIVELIS, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1283) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 652

Calendar No. 657

DAVID MORDKA BORENSTAJN, ITTA BORENSTAJN (NEE SCHIPPER), AND FELLA BORENSTAJN REICHLINGER

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1287]

The Committee on the Judiciary, to which was referred the bill (H. R. 1287) for the relief of David Mordka Borenstajn, Itta Borenstajn (nee Schipper), and Fella Borenstajn Reichlinger, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to David Mordka Borenstajn, Itta Borenstajn (nee Schipper), and Fella Borenstajn Reichlinger. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are husband, wife, and daughter, and they are 59-, 54-, and 29-year-old natives of Poland and native of Germany, respectively. They last arrived in the United States on January 8, 1948, in transit to Mexico. It is claimed that they were refused admission to Mexico because there was no one in that country who would guarantee that they would not become public charges. Their last residence abroad was Palestine, and they claim to be stateless at the present time. The husband is employed as a locksmith. The daughter was married to a legal resident of the United States on December 9, 1951, who had served in the United States Armed Forces in Korea. The wife has a sister and brother residing in the United States and the husband has an aunt who also resides in this country.

A letter, with attached memorandum, dated September 3, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 3127, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

SEPTEMBER 3, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3127) for the relief of David Mordka Borenstajn, Itta Borenstajn, nee Schipper, and Fella Borenstajn, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees and head taxes. It would also direct that 2 numbers be deducted from the quota of Poland and 1 number from the quota of Germany. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax.

The quota of Poland, to which Mr. and Mrs. Borenstajn are chargeable, is oversubscribed for nonpreference applicants. The quota of Germany, to which their daughter is chargeable, is not oversubscribed at this time.

Sincerely,

——— ———
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING DAVID MORDKA BORENSTAJN, ITTA BORENSTAJN, AND FELLA BORENSTAJN, BENEFICIARIES OF H. R. 3127

David Mordka Borenstajn was born in Poland on November 17, 1896, his wife, Itta Borenstajn, nee Schipper, in Poland on August 19, 1900, and their daughter, Fella Borenstajn, also known as Fella or Fay Reichlinger, in Germany on December 18, 1925. They claim to be stateless.

Coming from Palestine, the aliens arrived in the United States at the port of New York on January 8, 1948, when they were admitted in transit to Mexico until January 13, 1948. It is claimed that they were refused admission to Mexico because there was no one in that country to guarantee their not becoming public charges, although they had valid visas for entry. On March 8, 1950, their applications for the adjustment of their status pursuant to section 4 of the Displaced Persons Act of 1948 were denied on the grounds that they are not displaced from Palestine, the country of their last residence, and are not unable to return to that country because of persecution or fear of persecution on account of race, religion, or political opinions.

On September 30, 1948, deportation proceedings were instituted against the aliens on the charge that after admission as transients they had remained in the United States for a longer time than permitted by law. Their applications for voluntary departure were denied, and on April 3, 1951, they were ordered deported on the charge stated in the warrants of arrest. The Board of Immigration Appeals dismissed their appeal on May 11, 1951.

The aliens testified that they are of the Jewish faith and that they resided in Germany for a number of years prior to 1933. In that year they proceeded to Belgium, residing in that country until 1936, when they moved to Palestine. They stated that they left Palestine because of economic factors.

Mr. Borenstajn is employed as a locksmith in Forest Hills, Queens County, N. Y., earning about $90 a week. His daughter was married on December 9, 1951, to Mr. Herbert Reichlinger, a legal resident of the United States. She is now employed as a salesgirl in Bloomingdale's department store in Fresh Meadows, Queens County, N. Y., where she earns about $38 a week. Her husband was a member of the United States Armed Forces on duty in Korea in June 1953, and his return to this country is expected at an early date.

Mrs. Borenstajn has a sister and a brother in the United States and a sister in Mexico. Mr. Borenstajn has an aunt in the United States and a sister in Poland.

Congressman Abraham Multer, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavit made by the beneficiaries of the bill:

STATEMENT RE H. R. 1287, A BILL FOR THE RELIEF OF DAVID MORDKA BORENSTAJN, ITTA BORENSTAJN, NEE SCHIPPER, AND FELLA BORENSTAJN REICHLINGER

The undersigned, three in number, are husband, wife, and daughter, aged 28. The husband and wife are natives of Poland, and the daughter is a native of Germany. They all regard themselves as stateless. Their last and only entry into the United States occurred on January 8, 1948, at the port of New York, N. Y., as passengers aboard the steamship *Rossia*, at which time they were admitted under provisions of the Immigration Act, in transit to Mexico. Following their entry into the United States, they attempted to enter Mexico, but were refused admission to that country although they were in possession of valid immigration visas issued by the Mexican consulate in Palestine.

The husband and wife lived in Germany for many years following their original departure from Poland. The daughter was born in Germany. They departed from Germany in 1933, as a result of secret police pressure, and traveled to Belgium where they resided for several years. They left Belgium, entered Palestine in August 1936, and remained continuously in that country until December 1947, at which time they took passage for the United States. They were displaced from Palestine because of their having resided in Jerusalem, where during World War II the Allied forces fighting in North Africa occupied a large portion of that city for military and hospital purposes. The workshop of the undersigned father was within this zone, and as a result of being forced out, he lost his business and means of livelihood thereby, and that subsequently because of his economic plight he was forced to seek a haven elsewhere. The undersigned contend that they were forced to depart from Palestine because they were unable to earn a living in that country and are unable to return for the same economic reason. Upon their departure from Palestine, they were issued documents of identity in place of passports, with a notation stamped upon the face of said documents that they were valid until April 3, 1948, for the return of the undersigned to Palestine.

The undersigned have never been arrested and have submitted to the immigration authorities certificates of good conduct from the police departments of New York City, Laredo, Tex., and from the present Israeli Government. Three United States citizens have attested to their good moral character. Reports of character investigation conducted by an officer of the Immigration Service are presently on file.

Dated: New York, February 18, 1955.

DAVID MORDKA BORENSTAJN.
ITTA BORENSTAJN.
FELLA BORENSTAJN REICHLINGER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1287) should be enacted.

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Calendar No. 658

84TH CONGRESS, 1st Session | SENATE | REPORT No. 653

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CHIN YORK GAY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1357]

The Committee on the Judiciary, to which was referred the bill (H. R. 1357) for the relief of Chin York Gay, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of China who presently resides in Hong Kong. When he was 10 months old he was adopted by Mr. and Mrs. Sam Chin. Mr. Chin is now a citizen of the United States and Mrs. Chin is a lawful resident alien. Mrs. Chin is suffering from hemiplegia and her health is very poor. She states that she would like to have her son with her before she dies. The adoptive father supports the beneficiary of the bill.

A letter, with attached memorandum, dated December 4, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the acting Commissioner of Immigration and Naturalization with reference to H. R. 4812, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 4, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4812) for the relief of Chin York Gay, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would confer nonquota status upon the alien child by providing that he shall be considered to be the natural-born alien child of a citizen of the United States.

The alien is chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHIN YORK GAY, BENEFICIARY OF H. R. 4812

The information concerning this case was obtained from Mr. Sam Chin, of 1938 Fourth Street NW., Washington, D. C., who intends to adopt the alien.

Chin York Gay, a native and citizen of China, was born on June 16, 1936, and presently resides in Hong Kong. His mother died about 6 months after his birth and when he was about 10 months of age, Mrs. Sam Chin adopted him. His father died on May 15, 1938. Mr. Chin has been supporting the alien continuously and at present sends him about $400 yearly.

Mr. Chin is a citizen of the United States having been naturalized on February 1, 1949, based upon his service in the United States Army from September 1, 1942, to June 26, 1943. His wife was admitted to the United States for permanent residence on December 21, 1949. Mr. Chin owns a laundry valued at $3,900 and his net earnings are about $250 monthly.

Congressman Adam C. Powell, Jr., the author of the bill, submitted the following information to the Committee on the Judiciary of the House of Representatives in support of the bill:

WASHINGTON, D. C., *January 11, 1954.*

Re Chin York Gay, H. R. 4812.

Hon. ADAM C. POWELL, Jr.,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN POWELL: This will confirm telephone conservation with your office with regard to bill H. R. 4812, for the relief of Chin York Gay.

I am attaching a medical certificate which indicates that the mother of the adopted son, who is the subject of this private bill, is in serious physical difficulties, as well as in a terribly uneasy state of mind because of the separation from her boy.

In view of the human suffering which is being endured by this mother I would deeply appreciate any efforts which you could take to expedite the favorable consideration of this bill.

Sincerely yours,

JACK WASSERMAN.

WASHINGTON, D. C., *January 8, 1954.*

Re Mrs. Sam Chin, 1938 Fourth Street NW., Washington 1, D. C.

To Whom It May Concern:

This is to certify that I am attending the above, who suffers with complete paralysis of left half of her body (hemiplegia).

She is now receiving physiotherapy, high calorie and high vitamin dietary, as well as parenteral stimulating injections.

Her condition is poor, stationary, and unresolving.

If her son could be returned to her from China, it would be of greatest possible psychological and morale-building effect on her, and would end her constant apprehensiveness, anxiety, and uneasiness of mind. In fact, the return of her son would make more improvement in her physical condition than any medications could effect.

It is, therefore, earnestly requested and recommended that her son be returned to her at the nearest possible time.

Respectfully submitted.

LOUIS P. LEVITT, M. D.,
Family Physician.

WASHINGTON, D. C., *April 1, 1953.*

Memorandum re Chin York Gay.

Chin York Gay is the 16-year-old adopted son of San Chin, an American citizen and a World War II veteran. He was discharged in 1943 for overage. Lee Sen Ping (now Mrs. Chin) is a lawful resident of the United States and the mother of the boy.

Chin York Gay was born on June 16, 1936, in Canton, China, and was adopted by the Chins when 10 months old. This can be established by documentary evidence.

Mrs. Chin is totally paralyzed on her left side and her health is very precarious. She desires to have her son with her before she dies. The happiness of being reunited with her child will do much to comfort her in her last days.

Mr. Chin operates a laundry at 1938 Fourth Street NW., Washington, D. C., where he lives with his wife. His son is attending school in Hong Kong and is being supported by Mr. Chin.

The only way this deserving case can be afforded relief is by a private bill to permit Chin York Gay to enter the United States as the natural-born son of the Chins.

JACK WASSERMAN.

Upon the request of this committee, Mr. Powell submitted the following evidence regarding the support of the beneficiary of this bill:

WASHINGTON, D. C., *March 17, 1955.*

Re Chin York Gay, H. R. 1357.

Hon. ADAM CLAYTON POWELL, Jr.
Member of Congress, House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN POWELL: With further reference to the above matter and my previous letter to you, I am enclosing a letter from the City Bank indicating that Mr. Sam Chin has been sending money to his adopted son during the past year. You will note that Chin York Gay's name is spelled Chan Yuk Kwei. As many spellings of anglicized names are spelled phonetically, this discrepancy in spelling sometimes occurs. However, there is no doubt that this is the same individual who is the subject of your private bill.

Mr. Chin advises me that the City Bank has been transmitting money for him over the past 2 or 3 years. However, the bank's records are kept chronologically rather than alphabetically, and since we did not know the exact dates of payment it was not possible to have the bank make a search beyond 1954.

Sincerely,

JACK WASSERMAN.

THE CITY BANK,
Washington, D. C., March 15, 1955.

Mr. SAM CHIN,
1938 Fourth Street NW., Washington, D. C.

DEAR MR. CHIN: In accordance with your request, we advise that an examination of our records indicates that during the year of 1954 you purchased 2 drafts from this bank payable to Chan Yuk Kwei in the amount of $170 each. They were purchased on April 13, 1954, and August 19, 1954, and, according to your declaration required by the Foreign Assets Control, were to be forwarded to Hong Kong for the support of your son.

We trust that the above information will be satisfactory for your requirements.

Very truly yours,

F. H. WEAVER,
Assistant Cashier.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1357) should be enacted.

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Calendar No. 659

84TH CONGRESS, 1st Session | SENATE | REPORT No. 654

CHARLES (CARLOS) GERLICZ

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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1417]

The Committee on the Judiciary, to which was referred the bill (H. R. 1417) for the relief of Charles (Carlos) Gerlicz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who is feebleminded, suffering from a mental defect and suffering from an affliction affecting the ability to earn a living in behalf of the son of a lawfully resident alien. The bill also provides for the posting of a bond of a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 4-year-old native and citizen of Argentina who presently resides in that country with his mother and two brothers. The father of the beneficiary was admitted to the United States with a non-preference-quota visa and is now a lawful permanent resident. The mother is eligible to receive a visa and the other two sons are eligible for nonquota visas inasmuch as they were born in Argentina. However, the beneficiary of the bill is not eligible to receive a nonquota visa inasmuch as he has been certified as having a class A condition or defect. The beneficiary is blind, suffers paralysis of the upper and lower limbs and is feebleminded due to an injury to the brain at birth. The father is employed by Gilbert Associates of Reading, Pa., as an electrical engineer and desires to have the

rest of his family join him. However, without the enactment of the bill, the beneficiary would be unable to accompany his mother and brothers to the United States.

A letter dated November 15, 1954, from the American vice consul in Buenos Aires, Argentina, to the mother of the beneficiary of the bill reads as follows:

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
EMBASSY OF THE UNITED STATES OF AMERICA,
Buenos Aires, Argentina, November 15, 1954.

Mrs. ZOFIA GERLICZ,
Salguero 3033, Dpto. B, Buenos Aires.

MADAM: The receipt is acknowledged of your letter of October 23, 1954, requesting a certificate that your son Charles is not eligible for an immigrant visa under the existing immigration laws and regulations, and that the other members of your family are entitled to such visas.

The records of this Embassy show that your husband, Mr. Oscar Gerlicz, was granted Polish nonpreference immigrant visa No. 1174 on February 23, 1954. You are listed as an intending immigrant under the nonpreference category of the quota for Poland with a registration date of July 13, 1948. Your registration includes your three sons, John and Charles, and Anthony, born in Argentina and not subject to any quota.

As regards your son Charles, the report of the medical examination performed by Dr. Raúl E. Kelly on June 30, 1953, states as follows:

"The baby Carlos Gerlicz suffers from a chronic encephalopathy caused by an asfixia at birth and prematurity.

"The physical examination shows a bilateral atrophy of the papilae that has caused a complete blindness, a paralysis of the upper and lower limbs and a physical development inferior to 1 year old (the baby is now 2 years and 7 months old).

"The experts that have examined him cannot answer at present what will be the limit of his intellectual development but consider the possibility of a favorable evolution.

"The prognosis of his eyesight is hopeless.

"The prognosis quod vitam is uncertain; his physical resistance is low and is probable that an intercurrent infection could have fatal consequencies.

"At present he should be classified as grade A."

The existing immigration laws and regulations do not permit a consular officer to grant a visa to an alien certified by the examining physician as having a class A condition or defect. The Embassy knows of no provision of law which would permit the entry of your child into the United States for permanent residence.

So far as your own application and the application of your other children are concerned, the Embassy knows of no reason why you could not qualify for immigrant visas. However, the Embassy is not able to certify that you are eligible to receive the visas until such time as the visas are actually issued to you. In the meantime it only can be said that it appears you would be eligible for visas if you presented satisfactory medical examination reports, current police certificates, and valid travel documents. It is assumed that these have not been presented because of the inability of your son Charles to qualify for a visa.

The Embassy believes that the foregoing review of the essential facts of the case will meet your requirements for a certification. You may be assured that your case will continue to receive every consideration consistent with the applicable immigration laws and regulations.

Very truly yours,

HAROLD L. HENRIKSON,
American Vice Consul
(For the Ambassador)

The mother of the beneficiary of the bill had an outstanding wartime record as one of the most devoted fighters in the pro-Allied Polish underground. She was placed in a Nazi concentration camp and upon liberation received the following citation from the then commanding general of the Allied Forces:

The President of the United States of America has directed me to express to Zofia Bronikowska the gratitude and appreciation of the American people for gallant service in assisting the escape of Allied soldiers from the enemy.

DWIGHT D. EISENHOWER,
General of the Army,
Commanding General, United States Forces, European Theater.

Congressman George M. Rhodes, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavit made by the father of the beneficiary of the bill:

OFFICE OF PROTHONOTARY,
COURT OF COMMON PLEAS OF BERKS COUNTY,
Reading, Pa.

STATE OF PENNSYLVANIA,
County of Berks, City of Reading.

Affidavit: re support of Charles Gerlicz, Buenos Aires, Argentine, son of Oscar Gerlicz, Reading, Pa.

Oscar Gerlicz, residing at 429 Woodward Street, Reading, Berks County, Pa., being duly sworn according to law, deposes and says:

That he is a citizen of Poland in exile, having been born Zgierz, Poland, on June 20, 1914.

That he immigrated to the United States, arriving at the port of Miami, under date of April 3, 1954, from Buenos Aires, Argentine, where his wife, Sophia Gerlicz, nee Bronikowska, and their three children, viz: Charles and John Gerlicz (twins) aged 4 years and Anthony Gerlicz aged 2 years, reside at Salguero 3033, Buenos Aires, Argentine.

That he is desirous of bringing his family to the United States as soon as possible and that proper applications for visas have been presented to the American consul at Buenos Aires, who has advised that visas can be granted to all except the child Charles Gerlicz, because of a spastic condition.

That Congressman George M. Rhodes, of the 13th Pennsylvania District introduced a private bill, H. R. 1417, looking to the admission of the child regardless of his physical condition.

That this affidavit is made for the purpose of assuring the Government of the United States that I am able and willing to support, maintain, and receive the child Charles Gerlicz, and hereby assume such trust, guaranteeing that he will not become a burden at any time of the United States, or any State or community of the United States, and that all responsibility of medical and other aid will be upon me.

That this affidavit has been read to him and that the statements made herein are true and correct.

OSCAR GERLICZ,
Father of Charles Gerlicz.

Sworn to this 14th day of January A. D. 1955.

[SEAL]

P. A. ADAMS.
Prothonotary, Common Pleas Court of Berks County, Pa., Reading, Pa.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1417) should be enacted.

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Calendar No. 660

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 655

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STIJEPO BUICH

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1467]

The Committee on the Judiciary, to which was referred the bill (H. R. 1467) for the relief of Stijepo Buich, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child adopted by citizens of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 15-year-old native and citizen of Yugoslavia, who has been adopted by his uncle and aunt, Tom and Anfisa Buich. The beneficiary is 1 of 6 children and his adoptive parents are most anxious to bring him to the United States. They have no children of their own and they are well able to provide for the beneficiary of the bill.

A letter, with attached memorandum, dated October 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9229, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9229) for the relief of Stijepo Buich, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Yugoslavia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING STIJEPO BUICH, BENEFICIARY OF PRIVATE BILL H. R. 9229

The beneficiary, Stijepo Buich, a native and citizen of Yugoslavia, was born on June 26, 1940. He was adopted by his uncle and aunt, Tom and Anfisa Buich on August 18, 1953, in the district court at Bubrovnik, Yugoslavia. Mr. and Mrs. Buich were then visiting in that country and the beneficiary was residing with his own parents He has never been in the United States A visa petition submitted in his behalf by his adoptive parents was approved February 11, 1954, and forwarded to the Department of State

Since Stijepo Buich has never been in the United States, information concerning him was furnished by the sponsor of this legislation He attended elementary school and is now attending high school at Grbavac, Yugoslavia

Tom Buich is a native of Yugoslavia, and was naturalized at San Francisco on January 4, 1937 His wife, Anfisa, was born in Russia, came to the United States about 1930, and is also a naturalized citizen

Prior to their marriage in 1948, Mr and Mrs Buich operated the Tadich Cafe in San Francisco, which is presently managed by Mr Buich's brother. They own 88 acres of land in Napa, Calif., where they reside, in addition to income properties in San Francisco. They have no children of their own.

The Director of the Visa Office, Department of State, submitted the following report, dated July 23, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, July 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of June 9, 1954, and its enclosures, wherein you request a report of the facts in the case of Stijepo Buich, beneficiary of H. R. 9229, 83d Congress, 2d session.

The American Embassy at Belgrade, Yugoslavia, has informed the Department that the alien registered on the waiting list of intending immigrants under the quota for Yugoslavia on September 17, 1953, as a nonpreference immigrant, and that upon receipt of an approved petition the case was transferred to the fourth preference waiting list. Since the fourth preference portion of the quota for Yugoslavia is heavily oversubscribed, it is anticipated that a considerable period of time would elapse before a quota number could be allotted for his use.

At this time the Department has no information from which it could be ascertained whether or not the child would be eligible in all respects to receive a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Hubert B. Scudder, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following documents and letters in support of the bill:

AFFIDAVIT OF SUPPORT AND CONFIRMING ADOPTION IN RE STIJEPO BUICH, FORMERLY KNOWN AS STJEPO BUIC, OR STIJEPAN BUIC

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Tom Buich and Anfisa Buich, his wife, each for himself and not one for the other, being first duly sworn, depose and say:

That affiants are naturalized citizens of the United States residing at 1135 Dealy Lane, Napa, Calif.;

That there are no natural children of the marriage of said affiants; that affiants have no person or persons dependent on them other than their adopted child, Stijepo Buich;

That affiant Tom Buich filed a petition with the Immigration and Naturalization Service for the issuance of an immigration visa to his adopted son, Stijepo Buich; that such petition was approved on February 11, 1954, and bears file No. VP 13-8707; that Stijepo Buich is the blood nephew of affiant Tom Buich; that Stijepo Buich was adopted by affiants on or about August 18, 1953, in the district court of Dubrovinik, Yugoslavia; that attached hereto and made a part hereof, marked "Exhibit A," is a photostatic copy of the adoption certificate; that both affiants desire to have the said Stijepo Buich, born June 26, 1940, at Grbavac, District of Dubronvnik, Yugoslavia, proceed to the United States at the earliest possible time;

That affiants willingly assume the responsibility for the support and maintenance of the said Stijepo Buich, fully realizing the serious obligation that they are assuming but are doing so in view of the love and affection they have for the said Stijepo Buich;

That affiants personally promise that during their lifetime they will save the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against any losses or damages which may be suffered by reason of the fact that said alien named in this affidavit shall become a public charge in the United States;

That affiants have cash in the bank and on hand of approximately $1,850; that affiants own cattle which cost $5,320.17; that affiants own stocks and bonds which cost $8,306.25; that affiants have insurance the value of which is $254.34; that affiants own ranch land, building, improvements, and equipment the value of which is $35,000; that affiants own improved real property in the city and county of San Francisco; that affiant Tom Buich is a partner in the firm of Buich Bros., and the value of his investment therein is $35,000; that the net worth of affiants is approximately $70,000; that attached hereto and made a part hereof, marked Exhibit B, is a balance sheet showing the financial position of affiants as of December 31, 1953, prepared by Ernest F. Asher, certified public accountant;

That affiants make this affidavit for the specific purpose of facilitating the admission of Stijepo Buich into the United States; that they have read and verified the accuracy of the foregoing statements, which they believe to be true and correct, and they hereby affix their signatures and swear to this statement without any mental reservation whatsoever; that said affidavit is made with the knowledge that swearing to any false statement in any way affecting or relating to the right of any alien to admission into the United States constitutes the crime of perjury;

Wherefore, affiants respectfully pray that Stijepo Buich be permitted to come to the United States for permanent residence therein.

TOM BUICH.
ANFISA BUICH.

Subscribed and sworn to before me this 28th day of May 1954.

[SEAL] WILLIAM S. SOLAN, Jr., *Notary Public.*

My commission expires September 30, 1956.

NAPA, CALIF., *April 29, 1954.*

Hon. JOHN F. SHELLY,
House of Representatives, Washington, D. C.

DEAR MR. SHELLY: It is a pleasure to speak on behalf of two very fine citizens, Mr. and Mrs. Tom Buich. As one in the community in which these splendid people live, we are delighted with their gesture of American good will in the matter of bringing a boy from Yugoslavia to share their American heritage.

The boy will not only be fortunate in coming to America, but will also be most fortunate in the home and circle of friends to which he will be coming.

Mr. and Mrs. Tom Buich are people of outstanding character. They are people of the finest character and integrity and are held in highest esteem in their community.

We shall be most happy to do anything further to help you in assisting these outstanding American citizens in this most humanitarian project.

Very sincerely,

C. ALVIN DOUGAN, M. D.

CONNER HOTEL,
Napa, Calif., May 7, 1954.

Hon. HUBERT B. SCUDDER,
House of Representatives, Washington, D. C.

DEAR MR. SCUDDER: I am writing this letter on behalf of my dear friends, Mr. and Mrs. Tom Buich, who reside at their ranch 1135 Dealy Lane, Napa, Calif. Their problem, at present, is that while they were in Yugoslavia last year, they adopted their nephew, Stijepo Buich (son of Mr. Tom Buich's brother) who will be 14 years of age next June 26, and it seems they could not bring him to the United States.

Tom Buich and I have been good friends for about 44 years, and I have known Mrs. Anfisa Buich since 1947. On many occasions I visited with them at their ranch, and their hospitality is well known to their friends. I am very happy to recommend them as responsible people as to their character and ability to give to their adopted son a good home and good education.

Anything that could be done to unite this family together will be of great happiness to all concerned.

Respectfully yours,

PETER J. BUICH.

NAPA, CALIF., *May 8, 1954.*

Re Tom Buich/Napa.
Hon. HUBERT B. SCUDDER,
House Office Building, Washington, D. C.

DEAR MR. SCUDDER: My friend, Tom Buich of Napa, asked me to write to you regarding his character, standing in this community, et cetera. This matter pertaining to his bringing his blood nephew from Belgrade into the United States on a student visa with the hope of eventually adopting this 14-year-old boy. Stijepo Buich, is 1 of 6 children (am sure you know the story) and his parents are anxious, too, for him to get away from the tragic living conditions back of the Iron Curtain.

Tom Buich and his wife have no children—both are highly respected and regarded in this community—and are a couple who can well afford to give Stijepo a good education, besides the love and direction that a young boy needs.

Mr. Buic hash done business with the Noves Lumber Co. for a number of years and have always found him to be prompt in his payments, a man of his work, et cetera.

Thanking you in advance for anything that you may be able to do for the Buichs and Stijepo, I am

With kind personal regards

Sincerely yours,

JAMES G. NOYES.

P. S—Possibly, Stijepo Buich may come from Dubrovnik, Yugoslavia, instead of from Belgrade.

SUPERIOR COURT,
San Francisco, Calif., May 4, 1954.

Hon. JOHN F. SHELLEY,
House of Representatives, Washington, D. C.

MY DEAR JACK: Sometime in the latter part of 1953 I received a rather frantic and heartrending letter from my good friends, Tom and Anfisa Buich from Dubrovnik, Yugoslavia, where they had been visiting and had just adopted a nephew named Stijepo Buic (Buich). According to the letter they found themselves in the predicament of not being able to take Stijepo with them to this country after having adopted him there. I tried my best to help them but to no avail as yet. They are represented by Mr. Joseph P. Fallon, Jr., whose offices are at 550 Montgomery Street, San Francisco.

In recent years Mr. and Mrs. Buich have been living at 1135 Dealy Lane, Napa, Calif., where they have ranch property of sizable acreage. They have been married since 1948, are childless, and a very happy couple. Mrs. Traverso and I have been in their home at the ranch and they are truly hospitable and genuine people.

I have known Mr. Tom Buich rather intimately since 1934 when he first became actively interested in the famous Tadich Grill at Leidsdorff and Clay Streets, San Francisco. On occasions I did legal work for Mr. Buich and his brothers when I was practicing law. Although I have known Mrs. Buidh only since 1948, I know that she is a cultured and refined lady. Both of them, by temperament and circumstance, would provide the very best in the way of upbringing and education for their adopted son if he were with them.

I think you know me well enough to know that I would not turn to you for help if I did not think that they were deserving of it. Thus I am taking the liberty of imposing upon you to see if there is some way that you could assist them to have the boy come to this country and be with them and give them added happiness, which for a short time they thought they had and to which they had been looking forward to for a long time. If happiness is to come their way, time is of the essence, as Mr. Buich is now in his early sixties.

The above are the circumstances in which the Buichs find themselves and if there is any way that you can be of help and service to them in accomplishing the great desire that they have, I assure you that they, as well as I, will deeply appreciate your assistance.

With my kindest personal regards and every best wish for your continued success, I am

Very sincerely yours,

WILLIAM F. TRAVERSE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1467) should be enacted.

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Calendar No. 661

84TH CONGRESS, 1st Session — SENATE — REPORT No. 656

VICTOR MANUEL SOARES DE MENDONCA

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1472]

The Committee on the Judiciary, to which was referred the bill (H. R. 1472) for the relief of Victor Manuel Soares De Mendonca having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Victor Manuel Soares De Mendonca. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Portugal who last entered the United States on April 2, 1952, as a visitor, to study the cork industry. The beneficiary has an aunt and uncle who are citizens of the United States with whom he resides. During 1946, the beneficiary's aunt and uncle and their son made a trip to Portugal, at which time the son expressed the wish that his cousin come to the United States. Thereafter, the son was inducted in the United States Army and on November 18, 1951, at the age of 21 years, he was killed in action in Korea. The aunt and uncle are both in poor health and they need the services of the beneficiary to assist them in the operation of the dairy which they own and to ease the loss of their only son.

A letter, with attached memorandum, dated November 13, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and

Naturalization with reference to H. R. 5366, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 13, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4255), for the relief of Victor Manuel Soares de Mendonca, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one quota number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota for Portugal.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VICTOR MANUEL SOARES DE MENDONCA, BENEFICIARY OF H. R. 5366

The alien, Victor Manuel Soares de Mendonca, was born at Sao Braz, Alportal, Portugal, on February 3, 1927, and entered the United States as a visitor on April 2, 1952, at New York on the S. S. *Vulcania*. He is single, a citizen of Portugal, and last lived abroad in Portugal.

Extensions of the alien's stay have been granted to April 1, 1953. His present immigration status is that of an overstayed visitor.

The alien has testified that he was engaged in the cork business in Portugal and came to this country to study the cork industry. He has an aunt and uncle residing at Petaluma, Calif., with whom he resides. He is at present taking an active part of the operation of a dairy owned by his aunt and uncle whose only son was killed in Korea. The aunt and uncle have been ill and wish to have the beneficiary remain with them. His parents reside in Portugal.

Congressman Hubert B. Scudder, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letters and affidavits in support of the bill:

IN THE MATTER OF VICTOR MANUEL SOARES DE MENDONCA, SUBJECT OF BILL NO. H. R. 4255, INTRODUCED INTO THE HOUSE OF REPRESENTATIVES ON MARCH 25, 1953

STATE OF CALIFORNIA,
County of Sonoma, ss:

Joe Mendonca and Mary Mendonca, his wife, each for himself and not one for the other, being first duly sworn, depose and say:

That affiant, Joe Mendonca, was born on July 22, 1901, at San Braz, Portugal, and first entered the United States at the port of Providence, R. I., on June 19, 1920; that said affiant was naturalized as a citizen of the United States on May 11, 1936, before the Superior Court of the State of California, in and for the County of Sonoma, at Santa Rosa, Calif., and as evidence thereof, holds Certificate of Naturalization No. 3943492;

That Mary Mendonca was born on March 11, 1906, at Petaluma, Calif.;

That affiants were married on May 26, 1929, at Reno, Nev., and ever since said date have been and now are husband and wife; that there is only one child the issue of this marriage, namely Joseph Richard Mendonca, who was born on December 3, 1929, at Petaluma, Calif.;

The affiants accompanied by their son, made a 9-months' trip to Portugal in 1946; that during their visit in Portugal, their son and Victor Manuel Soares de Mendonca, his cousin, became very fond of each other; that after the return of the affiants and their said son to the United States, the son expressed a desire to have his cousin come to the United States as he did not have a brother of his own.

That affiants said son was inducted into the Army Forces of the United States on March 21, 1951, at the age of 21 years; that he was killed in action in Korea on November 18, 1951, just 3 days short of 8 months after his entry into the

Army of the United States; that the body of their son was returned to the United States on February 14, 1952, and the funeral was held at Petaluma, Calif., on February 16, 1952.

That affiants suffered terribly from the loss of their son, particularly during the holiday season at the close of 1951 and that they therefore sent for their nephew, Victor Manuel Soares de Mendonca, to come to the United States in the hope that he could relieve their anguish and for the second reason which was to carry out the wish of their son who before he had gone into the military service had expressed a desire that his cousin come to the United States.

That affiants' said nephew, Victor Manuel Soares de Mendonca, was born on February 13, 1927, at Sao Braz de Alportel, Alportel, Portugal, a young man only slightly less than 3 years older than affiants' deceased son; that he came to the United States as a visitor, traveling on Portuguese Passport No. 117/52, issued by the civil governor's office at Evora, Portugal, on March 20, 1952; that affiants' said nephew arrived at the city of New York aboard the S. S. *Vulcania* on April 2, 1952, at which time he was admitted to the United States as a temporary visitor under section 3 (2) of the Immigration Act of 1924 as authorized by visa No. 330, issued by the American consul general on March 24, 1952, at Lisbon, Alentejo, Portugal; that shortly thereafter, he came to Petaluma, Calif., where he has resided with your affiants, his aunt and uncle; that on June 12, 1952, affiants' said nephew applied at the San Francisco office of the Immigration and Naturalization Service for an extension of his temporary stay which was duly extended until January 2, 1953, as a visitor;

That the presence of affiants' said nephew has relieved the anguish and suffering of affiants; that they have come to accept him in the place of their own son, and treat him as though he were their blood child; that the thought of his having to leave the United States and return to Portugal serves only to reopen old wounds and to start the pain and suffering again as though they were losing their own son for the second time.

That the Portuguese quota is entirely exhausted, and it would be a conservative estimate to say that their nephew would have to wait a minimum of 5 years before he could receive a quota number and return to them here; that affiant Joe Mendonca is suffering from a coronary vessel disease, and has been placed under such a strict regime that he is no longer able to be active in operating the dairy which he and his wife own; that Mary Mendonca has recently undergone a major abdominal operation and though she is recuperating slowly, her health is very poorly; that both affiants are no longer young and they need a younger person upon whom they could lean for assistance and help;

Wherefore, affiants respectfully pray that their nephew may be permitted to remain in the United States permanently and thereby keep this newly formed family together.

JOE MENDONCA.
MARY MENDONCA.

Subscribed and sworn to before me this 29th day of July 1953.

[SEAL] F. LESLIE MANKER,
Notary Public in and for said County of Sonoma, State of California.

My commission expires November 3, 1956.

IN THE MATTER OF VICTOR MANUEL SOARS DE MENDONCA, SUBJECT OF BILL H. R. 4255, INTRODUCED INTO THE HOUSE OF REPRESENTATIVES ON MARCH 25, 1953

STATE OF CALIFORNIA,
County of Sonoma, ss:

James G. Anderson, being first duly sworn, deposes and says:

That he now is and at all times herein mentioned has been a doctor of medicine duly licensed as such in the State of California and having his office in and practicing his profession in the city of Petaluma, Sonoma County, Calif.;

That Mr. Joseph Mendonca, who resides at Route 3, Box 385, Petaluma, Calif., has been a patient of affiant for several months and suffers from coronary vessel disease. Because of this condition, it is impossible for him to continue operating his dairy ranch and it is affiant's opinion that he will never again be capable of doing heavy work.

Mrs. Mendonca is also a patient of affiant and at the present time is recuperating from a major abdominal operation. She has been in very poor health since the death of her son and her condition at times borders upon a psychosis, but since

her nephew has arrived from Portugal and is living with she and her husband, the mental change has been remarkable. She evidentally has substituted him for her son and if said nephew should be forced to return to Portugal, affiant is afraid she would soon lapse into her former status.

JAMES G. ANDERSON, M. D.

Subscribed and sworn to before me this 29th day of July 1953.

[SEAL] JOHN KELLER,
Notary Public in and for said County and State.

My commission expires February 10, 1956.

PETALUMA POST NO. 1929,
VETERANS OF FOREIGN WARS OF UNITED STATES,
Petaluma, Calif., April 18, 1953.

Hon. HERBERT S. SCUDDER,
Congressman of California,
Washington, D. C.

DEAR SIR: Petaluma Post 1929, Veterans of Foreign Wars of the United States, wishes to ask your support and aid in helping Mr. Victor Manuel of Route 3, Box 385, Petaluma, Calif., in obtaining entry and remaining in the United States so that he may become an American citizen.

His aunt and uncle, Mr. and Mrs. Joe Mendonca, of Route 3, Box 385, Petaluma, Calif., with whom he will make his home, have lost their only son in the conflict in Korea. Mr. Manuel's presence would greatly relieve the pain caused by the loss of their son and would be of great help to them in the running of their ranch of which they are greatly in need.

Petaluma Post 1929, Veterans of Foreign Wars, members feel that in Mr. Victor Manuel is the makings of a good solid American citizen. We would appreciate any help given by you to Mr. Manuel. Thanking you for your kind assistance,

Yours truly,

HARRY CHAPMAN,
Adjutant Petaluma Post 1929,
Veterans of Foreign Wars, Petaluma, Calif.

THE AMERICAN LEGION,
PETALUMA POST, NO. 28,
Petaluma, Calif., October 15, 1953.

Hon. HUBERT B. SCUDDER,
Congressman, 530 House Office Building,
Washington, D. C.

DEAR SIR: The undersigned, as commander of this post of the American Legion, has been approached by several members of the post asking that we intercede on behalf of Victor Manuel Soares de Mendonca, who is the subject of a private bill filed in the Congress of the United States, by you, which would grant him permanent status in the United States.

As you know, Petaluma is a very small community, and the older members thereof are quite well acquainted with each other. Many of the Legionnaires are friends and business acquaintances of Mary and Joe Mendonca, the aunt and uncle of Victor. We knew their son, Joseph Richard Mendonca as a child. We saw him reach military age and enter the Army of the United States. We are well acquainted with the facts of his death in Korea and the return of his body to Petaluma for burial.

We have seen the terrible effect that the loss of this only son had on Mr. and Mrs. Mendonca, and we have seen the new lease of life they have taken since their nephew, Victor, has come to live with them.

We, as Legionnaires, know that it is the duty of every young man to serve his country in time of war or national emergency. We know that every generation will see the loss of many young men in the prime of their life in the defense of their country. We fully realize that in most cases the only relief that the relatives have when they have lost a family members, is the knowledge that he died in the service of his country.

Here, however, this great country of ours has the golden opportunity by which they can alleviate the suffering of one family almost completely by simply permitting a nephew to remain in the United States and to take the place of the son who died for his country.

We therefore ask you to do everything possible to obtain the passage of the private bill for Victor Manuel Soares de Mendonca and to call to the attention of the Members of Congress the equities which are present in this case and the opportunity they have been given to relieve the anguish and suffering of two people who gave their only son to their country.

Respectfully yours,

THOMAS B. WORTHINGTON,
Commander, American Legion Post, No. 28.

CITY OF PETALUMA, CALIF.,
January 15, 1954.

Hon. HUBERT B. SCUDDER,
Congressman, 530 House Office Building,
Washington, D. C.

DEAR CONGRESSMAN SCUDDER: As mayor of the city of Petaluma, I have been approached by the citizens of this community asking that I intercede on behalf of Victor Manuel Soares de Mendonca, who is the subject of a private bill filed in the Congress of the United States, by you, which would grant him permanent status in the United States.

Many of the citizens of this community are friends and business acquaintances of Mary and Joe Mendonca, the aunt and uncle of Victor, and personally knew their son, Joseph Richard Mendonca, as a child. They saw him reach military age and enter the Army of the United States and were well acquainted with the facts of his death in Korea, and the return of his body to Petaluma for burial.

The terrible effect that the loss of their only son had on Mr. and Mrs. Mendonca was every evident to all who were acquainted with them as well as the new lease on life that they have taken since their nephew, Victor, has come to live with them.

While we realize that it is the duty of every young man to serve his country in time of war or national emergency and know that every generation will see the loss of many young men in the prime of their life in the defense of their country, we are aware that in most cases the only relief that the relatives have when they have lost a family member is the knowledge that he died in the service of his country.

Here, however, this great country of ours has the golden opportunity by which they can alleviate the suffering of one family almost completely by simply permitting a nephew to remain in the United States and to take the place of the son who died for his country.

We, therefore, ask you to do everything possible to obtain the passage of the private bill for Victor Manuel Soares de Mendonca, and to call to the attention of the Members of Congress, the equities which are present in this case and the golden opportunity they have been given to relieve the anguish and suffering of two people who gave their only son to their country.

Respectfully yours,

VINCENT J. SCHOENINGH, *Mayor.*

POEHLMANN HATCHERY, INC.,
Petaluma, Calif., January 16, 1954.

Hon. HUBERT B. SCUDDER,
Congressman, House Office Building,
Washington, D. C.

DEAR HUBERT: Back in March of 1953, you introduced bill, H. R. 4255.

I believe this bill is known as a private bill because it involves a special request to Congress to permit Victor Manuel Soares de Mendonca, a subject of Lisbon, Portugal, to remain in this country to take up permanent residence and in due time to become a citizen. He is, as you know, the nephew of Joe and Mary Mendonca of this community.

I hardly feel that it is necessary to tell you that the Mendoncas are very fine citizens and are a credit to the community. They operate a large dairy farm and are substantial people. You may recall their only son, Joseph Richard, was killed in Korea. The loss of young "Joe" was no greater to his parents than was the loss of any other American boy to his parents, yet he was the only son and was preparing, upon his induction, to go into and take over the operation of his father's dairy farm. The mother, Mary Mendonca, has never recovered from the

loss. She has been reconciled only because they brought their nephew to this country to visit with them. The nephew is a fine boy, I believe about 26 years of age, and the Mendoncas fell in love with him immediately.

I believe young Victor has stayed the limit of his visa or permit and it is through your good office that your bill was introduced as a special means of permitting him to remain here.

Joe Mendonca, himself, has a heart condition that prohibits heavy or intensive work. I am certain that should your bill be denied or defeated for any reason at all, it would result in serious permanent injury [health] to Mr. and Mrs. Joe Mendonca. I see no reason why, with a reasonable presentation of the fact, your bill should not pass and I want to add my urgent request that you do everything possible to expedite its passage.

I am sending a copy of this letter to Senator Knowland. He may want to call you on the telephone. I am not too well acquainted with the Senator but I did have the pleasure of sponsoring his visit to Petaluma 2 years ago when he returned from his first trip to Korea and Formosa. At that time he addressed our Petaluma Rotary Club. I was again honored during the recent Presidential campaign by being asked to present him to a group at our women's club here in Petaluma the morning he passed through town.

I hope that the little matter I write about in this letter will terminate in such a manner as to permit young Victor to become a resident and citizen of this community.

With kind personal regards,

NAT.

PETALUMA AERIE NO. 333 F. O. E.,
Petaluma, Calif., January 26, 1954.

Hon. HUBERT B. SCUDDER,
Congressman, 530 House Office Building,
Washington, D. C.

DEAR SIR: The undersigned, as secretary of the Petaluma Eagles Aerie No. 333, have been approached by several members of the Eagles, asking that we intercede on behalf of Victor Manuel Soares de Mendoca, who is the subject of a private bill, filed in the Congress of the United States, by you, which would grant him permanent status in the United States.

As you know, Petaluma is a very small community, and the older members thereof are quite well acquainted with each other. Many of our members are friends and business acquaintances of Mary and Joe Mendoca, the aunt and uncle of Victor. We knew their son, Joseph Richard Mendoca, as a child. We saw him reach military age and enter the Army of the United States. We are well acquainted with the facts of his death in Korea, and the return of his body to Petaluma for burial.

We have seen the terrible effect that the loss of this only son had on Mr. and Mrs. Mendoca, and we have seen the new lease on life they have taken since their newphew, Victor, has come to live with them.

We, as Eagles, know that it is the duty of every young man to serve his country at time of war or national emergency. We know that every generation will see the loss of many young men in the prime of their life in the defense of their country. We fully realize that in most cases the only relief that the relatives have when they have lost a family member is the knowledge that he died in the service of his country.

We therefore ask you to do everything possible to obtain the passage of the private bill for Victor Manuel Soares de Mendoca, and to call to the attention of the Members of Congress, the equities which are present in this case, and the golden opportunity they have been given to relieve the anguish and suffering of two people who gave their only son to their country.

Mr. Joseph Mendoca has been a member of Petaluma Aerie of Eagles, No. 333, for 25 years.

Respectfully yours,

GEORGE S. GONSALVES.

FIRST NATIONAL BANK IN SAN RAFAEL,
San Rafael, Calif., January 19, 1954.

HON. HUBERT B. SCUDDER,
Congressman, 530 House Office Building,
Washington, D. C.

DEAR CONGRESSMAN SCUDDER: You no doubt are getting a number of letters regarding one Victor Manuel Soares.

I am acquainted with the conditions where this young man lives as those people have been doing business at our bank for a number of years. The home surroundings and his life on this place are very good. If it is possible to keep him here it would be good for Victor and would be appreciated by the Mendoca family.

It has been some years, Hubert, since you and I grew up in the little city of Sebastopol and I know that you realize, as well as I do, that if a person has the opportunity it could change his whole life.

Hoping some day that our trails will cross so that we can renew our acquaintance, I remain,

Respectfully yours,

A. J. RUTHERFORD,
Manager, Farm Service Department.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1472) should be enacted.

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Calendar No. 662

84TH CONGRESS, 1st Session | SENATE | REPORT No. 657

ELEANORE HAUSER

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1473]

The Committee on the Judiciary, to which was referred the bill (H. R. 1473) for the relief of Eleanore Hauser, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Eleanore Hauser. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Austria who last entered the United States on May 3, 1950, to receive medical treatment. The beneficiary's father is deceased. Her mother remarried and took up residence in the Philippine Islands in 1934. The beneficiary remained with her grandparents in Austria until 1948, when she went to the Philippines to reside with the mother and stepfather. Her mother, stepfather, and a brother left the Philippines upon the outbreak of hostilities in Korea and were lawfully admitted to the United States for permanent residence. Her brother is serving in the United States Armed Forces. The beneficiary resides with her parents in San Francisco, Calif.

A letter, with attached memorandum, dated September 1, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natur-

alization with reference to H. R. 6248, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

SEPTEMBER 1, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6248) for the relief of Eleanore Hauser, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary. According to the records of the Service, the alien's first name should be spelled Eleonore.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax. It would also direct that one number be deducted from the appropriate immigration quota. It should be noted that the Immigration and Nationality Act does not require the payment of head tax.

The alien is chargeable to the quota of Austria which is oversubscribed for nonpreference applicants.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELEONORE HAUSER, BENEFICIARY OF H. R. 6248

Eleonore Maria Hauser, a native and citizen of Austria, was born on April 5, 1926. She entered the United States at the port of San Francisco, via Honolulu, on May 3, 1950, when she was admitted temporarily to receive medical treatment, to remain until October 1, 1950. She has been granted several extensions of stay, the last of which expired on August 3, 1952.

According to the record, Miss Hauser's father is deceased. Her mother remarried and took up residence in the Philippine Islands in 1934. The alien remained with her grandparents in Austria until 1948 when she went to the Philippines to reside permanently with her mother and stepfather. Her mother, stepfather, and a brother left the Philippines upon the outbreak of hostilities in Korea and were lawfully admitted to the United States for permanent residence. Her brother is serving in the United States Armed Forces. Her maternal grandmother and two aunts also are residents of this country.

Miss Hauser stated that she is still receiving medical treatment, the nature of which is not indicated. She is being supported by her stepfather, who has an import-export business in San Francisco, from which he receives an income averaging $400 to $500 a month.

Congressman Hubert B. Scudder, the author of the bill, submitted the following documents in support of the bill:

STATE OF CALIFORNIA,
Mill Valley, Marin County:

I, Eleonore Hauser, was born in Vienna, Austria, on April 5, 1926. In 1934 my parents separated and my mother, my brother, and I immigrated to the Philippine Islands. Later my parents were divorced. In Manila my mother opened a school of ballet and physical culture. My brother and I attended Central School, and I remained in Manila until December 1937. Then my mother decided to send me to her parents who live in Sumperk, Czechoslovakia. It was intended that I attend school there for about 2 years, but before I could return, the Germans occupied Czechoslovakia and in 1939 war broke out.

The years that followed were filled with fear and insecurity. Because my father was of Jewish faith and my mother a Christian, I came into political and racial difficulties which increased as time went on and I grew up. My schooling was cut short and I had no choice of occupation. The authorities sent me to work wherever help was needed without my being able to say anything about it. In 1941 war broke out in the Philippines and we were left without further news from my family. My grandfather passed away in 1943, leaving my grandmother with a very small pension. Somehow we managed to live through the next 2 years. At last in 1945 the war was over, but then came the occupation by Russian forces, which again brought fear and terror.

In 1946 my grandmother and I were able to leave Czechoslovakia and went to live in Vienna. In February 1947 I obtained an immigration visa to the Philip-

pines and was at last able to rejoin my mother and brother. April 1947, my mother married W. R. Wahle, a citizen of Germany. May 1948 my stepfather, mother, and brother were issued a German quota and are now lawful permanent residents of this country. Since I was over 21 at that time and the Austrian quota highly oversubscribed, I was forced to remain in Manila until 1950, when I was admitted on a temporary visitor's visa for an urgent operation. I entered Barnes Hospital in St. Louis, Mo., and after the operation I stayed with my aunt, Mrs. Herma Wolf, at 947 Dwyer Avenue, Glendale, Mo. Mrs. Wolf is a citizen of the United States. I joined my parents in San Francisco, Calif., in October 1950.

My brother, Maximilian E. Hauser, graduated from the Rolla School of Mining in 1950 and was later drafted into the Army. After 2 years he was honorably discharged and is now employed by Du Pont Co. as a mining engineer. He should obtain his final citizenship papers any day now.

Because of my status as a visitor I have not been able to accept employment of any kind since my arrival in this country. September 1951, I enrolled for a 6-month business course at Heald College in San Francisco, Calif., and since last year I am doing volunteer work at the Stanford Hospital in San Francisco. My parents and I reside at 200 Marguerite Avenue, Mill Valley, Calif.

ELEONORE HAUSER.

STATE OF CALIFORNIA,
County of Marin, ss:

On this 22d day of January A. D. 1954, before me, Maebelle H. Seltzer, a notary public in and for the said county and State, residing therein, duly commissioned and sworn, personally appeared Eleonore Hauser known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

MAEBELLE H. SELTZER,
Notary Public in and for Said County and State of California.

My commission expires April 23, 1954.

STANFORD UNIVERSITY SCHOOL OF MEDICINE,
San Francisco, Calif., January 11, 1954.

Hon. HUBERT B. SCUDDER,
House Office Building, Washington, D. C.

MY DEAR MR. SCUDDER: I am happy indeed to give an affidavit in support of the bill for the relief of Eleonore Hauser, H. R. 6248.

Miss Hauser has been under my care for 3 years. She has been treated with radioactive iodine, which is why she is under my care. The series of treatments has been finished, but it may be necessary to take them up again in the future. And I believe it unwise for her to be away from where she can get attention of experts in this field.

At the present her health is excellent and the only reason she is not working is the statutory prohibition.

Any further information that you or the House Judiciary might desire, I shall be happy to provide if I can.

Sincerely,

R. R. NEWELL, M. D.

DENVER, COLO., *January 26, 1954.*

Hon. HUBERT B. SCUDDER,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN SCUDDER: I refer to your bill, H. R. 6248, which you introduced on behalf of my sister, Eleonore Hauser.

I was born in Vienna, Austria, on July 8, 1927, and after spending a total of 12 years in the Philippines I, together with my mother and stepfather, immigrated to the United States in June 1948.

Here in the States, I completed my studies at the Missouri School of Mines, where I graduated with a bachelor of science degree in mining engineering in 1950. After graduation I briefly was employed by a geophysical prospecting company whose service I had to leave when I entered the United States Army under the

Selective Service Act. I was inducted on November 10, 1950, and served 24 months in the Corps of Engineers in which I advanced to the rank of corporal. I spent most of my Army time at the Engineer School at Fort Belvoir, Va., serving as an instructor in geodetic computing. After receiving an honorable discharge from active duty on November 9, 1952, I accepted employment with the explosives department of E. I. du Pont de Nemours & Co. I am presently located in Denver, Colo., working as a technical service representative.

On January 26, 1954, I filed my formal petition for naturalization (No. 13363) at the United States district court in Denver, Colo., and I expect to receive my final naturalization papers when the district court has its next immigration hearing.

I have taken the liberty of sending you the above brief outline of myself with the hope that the above facts will help in the consideration of your kind bill.

I am very grateful for the attention you have given my sister's case and I certainly would appreciate anything you can do for my sister's relief.

Respectfully yours,

MAXIMILIAN E. HAUSER.

STATE OF COLORADO,
City and County of Denver, ss:

AFFIDAVIT

Maximilian E. Hauser, being first duly sworn, deposes and says that he dictated and has read the letter on the reverse side hereof, knows the contents thereof, and that the same is true of his own knowledge.

MAXIMILIAN E. HAUSER.

Subscribed and sworn to before me this 26th day of January 1954.

MARGARETE S. BUNAS, *Notary Public.*

My commission expires September 8, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1473) should be enacted.

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Calendar No. 663

84TH CONGRESS, 1st Session | SENATE | REPORT No. 658

ROSS SHERMAN TRIGG

UNIV. OF MICH.
JUL 7 1955
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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1474]

The Committee on the Judiciary, to which was referred the bill (H. R. 1474) for the relief of Ross Sherman Trigg, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of a crime involving moral turpitude and one who has falsely represented himself to be a citizen of the United States in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 37-year-old native and citizen of Canada whose last entry into the United States occurred on or about June 30, 1950. He gained admission into the United States on several occasions subsequent to about 1938 by falsely representing himself to be a citizen of the United States, and he also enlisted in the United States Navy in 1944 on the basis of the same misrepresentation. The record discloses that the beneficiary was convicted on July 24, 1937 in Canada of the crime of theft and for the crime of obtaining money and groceries by false pretenses. He was also convicted on May 16, 1951, in California for forgery and was sentenced to a fine and 1 year's probation. The beneficiary resides with his wife and their child and a child by his former marriage. His wife is presently expecting another child. The beneficiary is very active in civic affairs and is highly regarded in the community in which he resides. He is employed by a pharmaceutical firm and also receives a disability allowance covering

a disability incurred while serving honorably in the United States Navy.

A letter, with attached memorandum, dated August 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9132, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9132) for the relief of Ross Sherman Trigg, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco office of this Service which has custody of those files.

The bill is intended to grant the alien permanent residence in the United States upon payment of the required visa fee and provides for reducing the appropriate quota by one number.

As a native of Canada the alien is eligible for a nonquota status in the issuance of a visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE RE ROSS SHERMAN TRIGG, BENEFICIARY OF H. R. 9132

Ross Sherman Trigg was born December 24, 1918, in Victoria, British Columbia, Canada, and is a citizen of Canada. He gained admission into the United States on several occasions subsequent to about 1938 by falsely representing himself to be a citizen of the United States, born in Seattle, Wash., and also enlisted in the United States Navy in 1944 on the basis of the same misrepresentation. He was dishonorably discharged from the Canadian Navy in 1937 after his desertion and has testified that when he enlisted in the Canadian Navy he claimed birth in Canada. His last entry into the United States occurred on or about June 30, 1950, at the port of Port Angeles, Wash. Deportation proceedings were instituted against him on May 12, 1953, on the ground that he was excludable from the United States at the time of his entry into this country as an alien who had been convicted of a felony or other crime or misdemeanor involving moral turpitude.

On July 24, 1937, the beneficiary was convicted at Calgary, Alberta, Canada, of the crime of theft and was sentenced to serve imprisonment for 3 months. On the same date he was convicted and sentenced to serve 3 months for the crime of obtaining money and groceries by false pretenses. Although the two crimes were not related, the sentences were ordered to run concurrently. He was also convicted on May 16, 1951, in the United States District Court for the Northern District of California at Napa of forging and uttering seven United States Treasury checks. He was fined $150 and was placed on probation for 1 year.

Mr. Trigg has been married twice. He supports his present wife and their child and also a child by his prior marriage. He is employed at a monthly salary of $400 by a pharmaceutical firm, and his lived in Mill Valley, Calif., since August 1951, where he has been very active in civic affairs. In addition to his salary he receives a disability allowance of $31.50 monthly covering a disability incurred while serving honorably in the United States Navy from 1944 to 1945. He owns a building lot and a car but has no other assets. He attended public school and high school in Calgary, Canada.

Congressman Hubert B. Scudder, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in support of the bill:

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
Sacramento, Calif., April 16, 1954.

Hon. HUBERT B. SCUDDER,
House of Representatives, Washington, D. C.

DEAR MR. SCUDDER: I have been requested by Mr. John E. Malone of Sacramento to write you concerning my impressions of Ross Sherman Trigg.

I summarily admitted this man to probation, fixed his period of probation for 1 year, fined him the sum of $150 and required him to make restitution to the Government. I granted probation because this man was highly recommended by responsible people in the community in which he lived and I felt reasonably assured that he would satisfactorily react under probation.

He successfully completed the probationary terms imposed, made restitution, and paid the $150 fine. The probation officer advises me that during the probationary term he worked regularly and always complied with the rules and regulations set forth by the United States Probation Office. I am also advised by the probation officer that nothing derogatory has been developed during the investigation that I have recently had the probation officer make.

With kind regards, I am

Yours sincerely,

DAL M. LEMMON,
United States District Judge.

OFFICE OF THE SHERIFF OF NAPA COUNTY,
Napa, Calif., February 27, 1954.

Hon. HUBERT B. SCUDDER,
Member of Congress,
House Office Building, Washington, D. C.

DEAR MR. SCUDDER: My very good friend Ross Trigg has just informed me that he has discovered that there is a question as to his citizenship. I understand that a bill will be introduced by you to grant him the citizenship which he so richly deserves.

I have known and worked with Ross Trigg for a good many years and have always considered him an outstanding citizen. I also know of his work with the junior chamber of commerce and of his service in the United States Navy during the last World War. In view of his loyalty and devotion to our country I believe it is a very fine gesture on your part to give him his citizenship.

I would like to add my name to the long list of others who heartily endorse Mr. Ross Trigg for citizenship of the United States.

With kind personal regards, I remain

Very sincerely yours,

JOHN CLAUSSEN,
Sheriff, County of Napa.

VETERANS SERVICE OFFICE,
Napa, Calif., February 27, 1954.

Hon. HUBERT B. SCUDDER,
Member of Congress,
House Office Building, Washington, D. C.

DEAR HUBERT: I am writing to you seeking your attention and favor for a very well deserving veteran and friend, Ross S. Trigg.

Ross Trigg is in need of your good help in obtaining his citizenship. I am certain that you by now have all the details concerning the need of a bill to be presented in favor of Ross, and I would like to supply you with information that may prove of some assistance.

I have had the pleasure of knowing Ross Trigg for 10 years or more. He is a good family man, has a lovely wife and two fine children, and I believe his wife is expecting an addition in July of this year. Ross, his wife, and family have spent many hours over the years visiting with my family and we in turn have on many occasions visited Ross and his family in Mill Valley.

Ross joined our local post of the American Legion shortly after receiving his honorable discharge from the United States Navy. He served our post as chaplain, second vice commander, and finally as commander of the post. He was chairman of our Boy Scout committee for 2 years and also served as assistant scoutmaster of troop No. 4, which is sponsored by Napa Post 113, American

Legion. Ross was active and is still active in many civic organizations, and in my many contacts up and down the county of Napa, I am continually meeting and talking to people that know Ross, respect him for his many contributions to the community, and will be more than willing to vouch for him.

I know Ross conducts himself as a good American and I honestly feel he merits your good and kind support.

Very sincerely yours,

LOUIS E. KAHN.

CITY OF NAPA, CALIF.,
POLICE DEPARTMENT,
March 2, 1954.

Hon. HUBERT B. SCUDDER,
Member of Congress,
House Office Building, Washington, D. C.

DEAR MR. SCUDDER: Mr. Ross Trigg recently has informed me that he has discovered that there is a question involved as to his citizenship.

I am of the opinion that a bill will be introduced by you to grant the citizenship which he is seeking.

I have known Ross Trigg for about 14 years and have considered him to be a good citizen. He is a past commander of American Legion, Post No. 113, Napa, Calif., having served in the last World War; therefore, I believe it to be a worthy gesture on your part to give him his citizenship.

I would like my name added to the long list of others who are endorsing Mr. Trigg for citizenship of the United States.

Very truly yours,

HENRY E. ANDERSON,
Captain, Napa Police Department.

LAW OFFICES OF MALONE, DENNIS & SCHOTTKY,
Sacramento, Calif., February 17, 1954.

Re Ross Sherman Trigg, citizenship.

Hon. HUBERT B. SCUDDER,
Washington, D. C.

DEAR SIR: As you are undoubtedly aware, I represented Ross Sherman Trigg before the United States District Court for the Northern District of California on May 16, 1951, when he was charged with forging and uttering United States Treasury checks. Mr. Trigg pled guilty and the matter was referred to the probation officer. The probation officer did not make a written report to the court and no written report is available. The court was advised of the various civic activities in which this young man had engaged and a number of letters were submitted to the court and probation officer on his behalf. Also, since he was having domestic difficulties at the time the crime was committed, the report of a psychologist was submitted.

As you know, Mr. Trigg was placed on probation. No doubt the court was impressed by the outstanding civic achievements of Mr. Trigg and by the fine letters of commendation from prominent people. Also, Mr. Trigg had no prior record save and except an offense committed in Canada when he was a mere youngster.

In light of the facts revealed in open court and documentary evidence furnished to the court, my personal impression was that the sentence of the court, although lenient, was fitting and proper.

As to the deportation proceeding, I feel that the equities are favorable to Mr. Trigg but that a strict adherence to the present law might very well result in extreme hardship not only to Mr. Trigg but to his present wife and child, a child by a previous marriage, and to an expected child by his present marriage, all of whom are entirely dependent upon him for support and, I hasten to add, love and affection. Furthermore, had Mr. Trigg been aware that he was not a citizen, he could have obtained his citizenship for the asking during his military service.

The theory being pursued by the Immigration and Naturalization Service is that Mr. Trigg made an unlawful entry into the United States when he went back east and drove a new car to California by way of Canada. Their position is that since he had been convicted of a crime in Canada many years ago his entry into the United States in June of 1950 (at which time he drove a new car

from the east to California via Canada) makes deportation mandatory under section 241 (a) (1) of the Immigration and Nationality Act. Further, if the position of the Immigration and Naturalization Service is sustained, it is doubtful that Mr. Trigg would be allowed to reenter the United States at any future time.

I sincerely feel that this young man is entitled to American citizenship, and your splendid efforts on his behalf will be very deeply appreciated.

Very truly yours,

JOHN E. MALONE.

STATE OF CALIFORNIA, DEPARTMENT OF VETERANS' AFFAIRS,
DIVISION OF VETERANS' HOMES, VETERANS HOME OF CALIFORNIA,
Napa County, Calif., March 3, 1954.

HON. HUBERT B. SCUDDER, M. C.,
House Office Building, Washington, D. C.

DEAR HUBERT: I have been informed that Ross S. Trigg, who now lives in Mill Valley and who formerly lived here in Napa County, has been confronted with a problem concerning his citizenship.

I have also been advised that it would be necessary for Congress to enact legislation, if he is to be recognized as a citizen.

Ross S. Trigg was a resident of Napa County from 1938 to 1951, during which time he was active in civic affairs. This included activities in the American Legion, Lions Club, junior chamber of commerce, Boy Scouts of America and Red Cross.

Anything you can do to assist him in straightening out his citizenship status will be appreciated and I have no hesitancy in making this recommendation in his behalf.

With kindest personal regards.

Sincerely yours,

S. F. DUNMIRE, *Colonel, Commandant.*

The bill grants a waiver of the excluding provisions of the immigration laws in behalf of the beneficiary, rather than granting him the status of permanent residence in the United States. This is consistent with the policy of the Committee on the Judiciary of the House of Representatives in refusing to grant permanent residence in the United States to alien spouses of United States citizens who would be excludable under the provisions of section 212 (a) (9). By granting permanent residence in such cases, the committee is of the opinion that the beneficiaries of those bills would be placed in more favorable positions than other spouses of United States citizens who are also unlawfully in the United States but who have committed no crimes. In the latter cases, the Committee on the Judiciary of the House of Representatives uniformly recommends that administrative remedy be sought and not legislative relief asked.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1474) should be enacted.

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Calendar No. 664

84TH CONGRESS, 1st Session | SENATE | REPORT No. 659

WING CHONG CHAN

UNIV. OF MICH.
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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1475]

The Committee on the Judiciary, to which was referred the bill (H. R. 1475) for the relief of Wing Chong Chan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Wing Chong Chan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 48-year-old native and citizen of China who last entered the United States in January 1949, as a student. He first entered the United States in 1909 when he was 2 years old and remained here until 1935, when he returned to China, where he taught physics at the University of Canton until the Japanese occupied Canton during World War II. After the Japanese occupation ended, the beneficiary went to Hong Kong where he resided until he departed for the United States. In his application for a student visa, the beneficiary stated that his parents resided in China, when they were actually living in this country. He stated he made the misrepresentation because he thought the visa would be denied if it were known that he had close relatives residing in this country. The beneficiary's mother is a lawful resident alien and he has 4 brothers and 1 sister who are citizens of the United States. His wife and 4 children reside in Hong Kong. His father died in 1951, and the

beneficiary has been managing the business established by his father who was a buyer of gold.

A letter, with attached memorandum, dated July 22, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 926, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JULY 22, 1953.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 926) for the relief of Wing Chong Chan, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also would direct that a quota number be deducted from the appropriate immigration quota.

The alien appears to be chargeable to the nonpreference portion of the quota for the Chinese, which is oversubscribed.

Sincerely,

——— ———, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WING CHONG CHAN, BENEFICIARY OF H. R. 926

Wing Chong Chan, a native and citizen of China, was born on March 3, 1907. He last entered the United States at Honolulu, T. H., on January 13, 1949, when he was admitted was a student to pursue a post graduate course of study at the University of California. His authorized stay in the United States expired on January 15, 1951.

Mr. Chan first came to the United States in 1909 when he was lawfully admitted as the son of a treaty merchant. He and his mother were destined to the home of his father who had established himself in business in Oroville, Calif. Mr. Chan made his home with his parents in Oroville until October 1935 when he returned to China. During this period of residence in the United States, he attended the University of California and graduated from that institution in 1931, having majored in chemistry. After his return to China, he taught physics at the University of Canton until the Japanese occupied the city of Canton during World War II. For several years thereafter, he was a rice farmer in a Chinese village. At the end of the Japanese occupation of China, he went to Hong Kong where he established a commercial enterprise, dealing in chemicals. He lived in Hong Kong until he came to the United States in 1949. He was married in China shortly after his return to that country. His wife and four minor children reside in Hong Kong. The eldest child was born in 1936 and the youngest in 1940.

In his application for a student visa, executed on November 1, 1948, Mr. Chan alleged that his parents were residing in Wong Village, China, when, in fact, they were residing in Oroville, Calif. He has stated that he had made the misrepresentation as to the place of residence of his parents because he thought the visa would be denied if it were known that he had close relatives residing in the United States. He had previously applied for an immigrant visa about 1945 and he admitted that he made the application for a student visa because he could not obtain an immigrant visa. In an effort to justify the deception, he has explained that his father's health was failing and that by Chinese custom it was his duty to be with him. His father subsequently died in September 1951.

In February 1949, Mr. Chan enrolled at the University of California as a student in the College of Pharmacy. He discontinued his studies on January 26, 1951, because of an accident which incapacitated him for approximately 3 months. Since his father's death, Mr. Chan has been managing the business established by his father who was a buyer of gold. He intends to continue in this occupation if a license can be obtained in his mother's name. He has 4 brothers and 1 sister, all of whom were born in Oroville. He lives with his mother and one brother in that city.

Congressman Hubert B. Scudder, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in support of the bill:

CITY OF OROVILLE
OROVILLE, CALIF.

Re H. R. 3086.

STATE OF CALIFORNIA,
County of Butte, ss:

J. F. Good, being first duly sworn deposes and says:

That he is a citizen of the United States of America, over the age of 21, to wit: 43 years of age, and resides at 1680 Bird Street, Oroville, Calif. That affiant is an attorney by profession and city attorney of the city of Oroville since 1936.

That affiant is well acquainted with Wing Chong Chan and has known him for 35 years. He and affiant attended the Oroville grammar and high schools as classmates from 1912 through 1924. Said Chan is presently residing at Berkeley, Calif., where he is doing postgraduate work at University of California.

He is a person of good moral character and bears an excellent reputation in this community where he is remembered by many oldtime residents who have followed his career with friendly interest. He is the eldest of a family of 6 children and has 4 brothers and 1 sister all of whom are native-born American citizens. All of the children are now adults and college graduates with the exception of the youngest brother who is now in his third year of medicine at University of California. One of the brothers in presently employed by the county of Butte as county planning technician. The sister is a schoolteacher in the Oroville elementary schools. Another brother is employed by Bechtel Construction Co. as an engineer. The father of the family is a merchant and restaurant owner who has been in business in Oroville since 1909 or thereabouts. The whole family is extremely well thought of in the community.

The eldest son, Wing Chong Chan, for whom this affidavit is made, was born in China and came to California when he was about 3 years old. He graduated from the University of California and went to China as an instructor at Ling Nam University, Canton, China. Affiant is confident that said Chan is a loyal American by reason of education, family, ties and political beliefs. Affiant truly believes Chan's case is a highly deserving one and that everything possible should be done to legalize his permanent residence in the United States.

[SEAL J. F. GOOD.

Subscribed and sworn to before m ths 17th day of March 1951.

STANLEY PITTMAN,
Notary Public in and for the County of Butte, State of California.

OFFICE OF JUSTICE OF THE PEACE,
Oroville, Calif., March 19, 1951.

Re H. R. 3086.

STATE OF CALIFORNIA,
County of Butte, ss:

Harry S. Hill, being first duly sworn deposes and says: That he is 58 years of age and resides at 1135 Montgomery Street, Oroville, Calif.; that he was born and raised on Oroville; that he was elected to the office of justice of the peace of Oroville Township, Butte County, in November 1922; that he has held that office continuously since January 1923; that he has also been in the insurance business continuously since 1922; that during the past 28 years affiant has had business relations with the family of Wing Chong Chan, in the capacity of a notary public, insurance, and the justice's court throughout the years; affiant has known all of the members of the Chan family for many years longer than the past 28 years; he has seen the children, including Wing Chong Chan, and known them all through their lives; affiant knew Wing Chong Chan personally before subject went to China in 1931, heard of him through other members of the family when they made trips to China between 1931 and 1949; affiant can well recall and remember Wing Chong Chan calling at affiant's office on a social visit in 1935 when subject returned to his home in Oroville on a visit; that subject again called on affiant at his office on a social visit when subject returned to his home in Oroville in 1949 and has seen and talked with subject during his present visit; the Chan family is a

well-liked and respected family in this community, the children went to the local schools with affiant's children, they have called socially at affiant's home; members of the Chan family are well established in this community in business and public office; that affiant recommends Wing Chong Chan without qualification for citizenship in the United States of America and feels that this member of such a well respected and established family should be a citizen and be allowed to remain with and take his place with the rest of the family. That affiant is ready and willing to testify to the foregoing whenever called upon to do so.

HARRY S. HILLS.

Subscribed and sworn to before me this 19th day of March 1951.

[SEAL] LEOTA MASTELLER,
Notary Public in and for the County of Butte, State of California.

My commission expires April 30, 1954.

AFFIDAVIT

Re H. R. 3086.

STATE OF CALIFORNIA,
County of Butte, ss:

Wing Chong Chan, being first duly sworn, deposes and says:

That I came to America in 1909 with my mother; that I am the eldest in the family and the only 1 of the 6 children who is not an American citizen; that I am a member of a family whose residence in Butte County, Calif., dates back to 1860 when my great-grandfather settled near Oroville as a merchant. He had contributed to the development of this section of the country by contracting and furnishing Chinese laborers in roadbuilding and clearing lands for agricultural purposes. He owned real property and was a taxpayer. He made Oroville his home and died here in 1893. My grandfather and father took charge of the business and property in succession. My father had a stroke in 1943 and is confined in bed ever since. My brothers and sister are all college graduates; Chack Chan is a designer draftsman with the Bechtel Corp. Fee Chan is a county planning technician for Butte County. Heng C. Lee is a schoolteacher in the Oroville elementary schools. Wee Chan is a restaurant owner at Oroville, and Gaing Chan is a third-year student at the University of California Medical School.

After my arrival in 1909, I have lived continuously in Oroville up to 1931, a period of over 22 years. I was educated in the Oroville public schools and graduated from the University of California majoring in chemistry in 1931. I have been with the faculty staff at Lingnam University at Canton, China, in 1931 and at Canton University at Canton, China, in 1936.

In 1931 I took a trip visiting China. I returned in 1932 and was admitted as a permanent resident. In 1935, I again visited China. It was during this trip that I had overstayed my return permit. However, before the expiration of my permit to return, I have seen the consul at Hong Kong and have made reservation for passage with the steamship company. It was only on account of illness that prevented me from returning on time. Subsequent efforts to obtain passage ended in failure, because I have not the possession of a valid return permit. I wrote to my parents to aid me. They tried but were not successful. Then the war intervened, and I was marooned in China until 1949.

In 1949 the best I could obtain was a student visa, which is for temporary residence only. I had not other choice, coupled with the intense desire to be with my father who has been laid up with a stroke since 1943, so I took the trip. Upon arrival I had kept within the law and attended the University of California at Berkeley, Calif., for the last 2 years.

My parents, an invalid father and an old, aged mother, wanted me to stay, and it would make them most unhappy for me to leave them. It has long been my desire to become an American citizen like my brothers and sisters; unfortunately this privilege could not be extended to me because naturalization procedures were not possible for me at the time. What awaits for me in China is a Communist regime. With my long residence and education in United States, my love for the American system of government and American ideals, it would be most unbearable for me in China.

I was born in Wong Village, Toishan District, Kwangtung, China, on January 19, 1907.

[SEAL] WING CHONG CHAN.

Subscribed and sworn to before me this 20th day of March 1951.

MAUDE NELSON,
Notary Public in and for the County of Butte, State of California.

My commission expires April 24, 1953.

OROVILLE UNION HIGH SCHOOL,
Oroville, Calif., March 28, 1951.

Re H. R. 3086.

STATE OF CALIFORNIA,
County of Butte, ss:

James C. Nisbet, being first duly sworn deposes and says:

That he is a citizen of the United States of America, over age of 21, and resides at 2074 Wilcox Avenue, Oroville, Calif. That affiant is an educator by profession and teacher and district superintendent of Oroville Union High School in the Oroville Union High School District since 1916, with the exception of a brief leave during the First World War and the period 1922–24 for business reasons.

That the affiant is acquainted with Wing Chong Chan and has known him for over 28 years, that Wing Chong Chan was a student in the classes of the affiant during the years he attended the Oroville Union High School, from which he graduated June 8, 1926.

Wing Chong Chan is known to be of good moral character and bears an excellent reputation in this community, where he is a member of a family which has been in this community for about four generations. He is the oldest of a family of 6 children, 4 brothers and 1 sister; all of whom are native-born American citizens, to wit:

Fee Chan, graduate of the University of California, is now community planning technician for the County of Butte, Oroville, Calif.; sister Heng Chan, college graduate and a teacher in the Oroville elementary schools; Gaing Chan, now a medical student in the University of California; Wee Chan, a graduate of the University of California and presently employed by the Bechtel Construction Co. as an engineer.

The parents have conducted a merchandising and restaurant business in this community from approximately 1909. The oldest son, Wing Chong Chan, for whom this affidavit is made, was born in China and came to California when about 3 years old. He graduated from the University of California and went to China as an instructor at the University in Canton, China.

From my long knowledge and association with Wing Chong Chan and his family, having been the teacher and principal under whom they have all gone to and graduated from high school, I sincerely believe in Wing Chong Chan's complete loyalty to America, and give my wholehearted recommendation that he be permitted to be a permanent resident in this country.

[SEAL] JAMES C. NISBET,
District Superintendent, Oroville Union High School District.

Subscribed and sworn to before me this 29th day of March 1951.

J. J. NITICH,
Notary Public in and for the County of Butte, State of California.

COUNTY OF BUTTE,
OFFICE OF THE DISTRICT ATTORNEY,
Oroville, Calif., April 26, 1954.

In re H. R. 926—Wing Chong Chan.

JUDICIARY COMMITTEE,
House of Representatives,
United States Congress, Washington, D. C.

GENTLEMEN: As district attorney of the county of Butte, I am writing to you at this time to urge your favorable consideration of the above-entitled bill. I have known the entire Chan family for more than 30 years, and I knew Wing Chong Chan both before and after his stay in China.

All of his brothers and sisters have been citizens of the United States for as long as I can remember, and it is only through accident that Wing Chong Chan is not a citizen. The entire Chan family have for many years held the respect of the citizens of this community. At great personal sacrifice, Wing Chong Chan as well as his four brothers and sister have all gone through the public schools of this county and have then gone on to graduate with distinction from American universities, and all now hold positions of trust and confidence in this country.

I cannot think of any family that more adequately fulfills the traditions of America and the principles for which this Government stands.

To send this man, who is imbued with the highest democratic ideals, to certain death in Red China would be a terrific tragedy and certainly a travesty on justice as we Americans know and understand that term.

The undersigned unhesitatingly vouches for the democratic principles and thinking of Wing Chong Chan and strongly urges your favorable consideration of H. R. 926.

Very truly yours,

RAYMOND A. LEONARD.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1475) should be enacted.

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Calendar No. 665

84TH CONGRESS, 1st Session } SENATE { REPORT No. 660

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ARDES ALBACETE YANEZ

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1525]

The Committee on the Judiciary, to which was referred the bill (H. R. 1525) for the relief of Ardes Albacete Yanez, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel deportation proceedings outstanding in the case of Ardes Albacete Yanez and provides that he shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Spain, who entered the United States on October 24, 1927, as a stowaway. The beneficiary has been employed by the same firm since 1933, and the firm states that he is a conscientious worker. On January 21, 1949, the beneficiary was married to a lawful resident alien and they have two children. On July 2, 1942, the beneficiary applied for and received exemption from service in the Armed Forces. On December 12, 1944, he requested his draft board to withdraw the application.

A letter, with attached memorandum, dated December 10, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 5875, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 10, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5875) for the relief of Ardes Albacete Yanez, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee and head tax. It would also direct that one number be deducted from the appropriate immigration quota.

Under sections 212 (a) (22) and 315 (a), respectively, of the Immigration and Nationality Act, the alien is inadmissible to the United States as an immigrant and is ineligible to become naturalized because he had applied for and received exemption from military service.

The bill contains no specific provision with reference to the proscriptions in these sections of the Immigration and Nationality Act. It should also be noted that the Immigration and Nationality Act does not require the payment of head taxes.

The alien is chargeable to the quota for Spain.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARDES ALBACETE YANEZ, BENEFICARY OF H. R. 5875

Ardes Albacete Yanez, a native and citizen of Spain, was born on August 27, 1911. He entered the United States at the port of New York, on October 24, 1927, as a stowaway. Deportation proceedings were instituted against him on May 21, 1943. Numerous hearings have been held since 1943, and on April 10, 1951, he was ordered deported, on the charge that, at the time of entry, he was an immigrant not in possession of an immigration visa and not exempt from the presentation thereof.

The alien testified that he attended school for 5 years in Spain, which is equivalent to an eighth grade education. He is employed by the United Pierce Dye Works, Lodi, N. J., and earns $76 per week. He has worked for the above firm since 1933. On July 2, 1942, the alien applied for and received exemption from service in the Armed Forces. On December 12, 1944, he requested his draft board to withdraw the application.

Mr. Yanez was married on January 21, 1949, at Lodi, N. J., to Anna Fernandez, a resident alien. They have two children and live at 90 Main Street, Lodi, N. J. The alien has lived at the same address since 1933. He has furniture which he values at $3,000, and bonds amounting to $2,200, private bill H. R. 2080, introduced in the 82d Congress, relates.

Congressman William B. Widnall, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letters in support of the bill:

UNITED STATES POST OFFICE,
Lodi, N. J., April 1, 1955.

Hon. WILLIAM B. WIDNALL,
Seventh District of New Jersey, Washington, D. C.

MY DEAR CONGRESSMAN: I have learned that private bill H. R. 1525 has been out of the Judiciary Committee and will be taken up on the floor on Monday, April 4, 1955.

Ardes Albacete Yanez, who is resident at 90 Main Street, Lodi, N. J., and in whose behalf the bill was introduced is personally known to me. I urge you to use every effort to have the bill favorably voted upon.

Mr. Yanez is a law-abiding resident, conscientious worker, and an asset to the community.

With best personal wishes to you.

Sincerely yours,

FRANK J. MALLIA, *Postmaster.*

THE UNITED PIECE DYE WORKS,
April 1, 1955

Re Andrew Albacete Yanez

Hon. WILLIAM B. WIDNALL,
House of Representatives, 7th District New Jersey,
Washington, D. C.

MY DEAR CONGRESSMAN: It is my understanding that private bill H. R. 1525, which has been introduced to the 84th Congress now in session, has been reported out of Judiciary Committee. Mr. Yanez has been our employee for a considerable number of years. We urge that you take all appropriate steps to the end that bill may be favorably voted upon by the House of Representatives.

Mr. Yanez has been a resident of the borough of Lodi for quite a number of years, is of good character, a conscientious worker, and will be an asset to the community where he resides if permitted to remain.

Thank you kindly.

Cordially yours,

MARINUS C. GALANTI.

In recommending enactment of this measure, the Committee on the Judiciary of the House of Representatives stated as follows:

The committee is departing from its policy of not recommending favorable action on private bills designed to grant permanent residence to aliens who have entered the United States as stowaways, or for aliens who have claimed exemption from military service on the grounds that they were nationals of a neutral government. However, considering the fact that the beneficiary of this bill has resided in the United States for over 27 years, 22 of which he resided at the same address; and that he supports his lawfully resident alien wife and his two citizen children, the committee is of the opinion that this case is meritorious.

The committee wishes to stress, however, that this bill, as amended, would only cancel the outstanding order and warrant of deportation and would not grant the beneficiary permanent residence in the United States, thus allowing him to remain in the United States but making him ineligible to the privilege and the benefits of United States citizenship.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1525) should be enacted.

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Calendar No. 666

84TH CONGRESS, 1st Session | SENATE | REPORT No. 661

MRS. BERTA MANSERGH

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JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2933]

The Committee on the Judiciary, to which was referred the bill (H. R. 2933) for the relief of Mrs. Berta Mansergh, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Austria. On April 25, 1953, she was married to S. Sgt. William Albert Mansergh, and they are presently residing in Germany where Sergeant Mansergh is stationed. The beneficiary has 2 children, 1 born in 1947, and 1 born in 1951. The record discloses that the beneficiary was convicted in Germany in 1948 on 1 charge of abortion and 3 charges of abetting in an abortion and sentenced to a cumulative sentence of 4 months' imprisonment. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her husband to this country.

A letter, with attached memorandum dated November 27, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 1637, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., November 27, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1637) for the relief of Bertha Wandl, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary. The beneficiary was married on April 25, 1953, subsequent to the introduction of H. R. 1637, and her name is now Berta Mansergh.

The bill as written would authorize the alien's admission for permanent residence notwithstanding the provision of section 3 of the Immigration Act of 1917, as amended, provided she is otherwise admissible. It should be noted that the bill makes reference to statutory provisions which are no longer applicable. It should be further noted that the bill does not limit the exemption to the known ground for exclusion.

Sincerely,

BJ. G. HABBERTON,
Acting Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BERTA WANDL, BENEFICIARY OF H. R. 1637

Information concerning the beneficiary was furnished by the office of Congressman Horan.

The beneficiary, a native and citizen of Austria, was born on April 12, 1926, at Mairs, Austria, as Berta Wandl. Her only marriage occurred on April 25, 1953, to her sponsor, William Albert Mansergh. She has two children, Daniel Albert Mansergh, born June 3, 1951, at Klettham, Germany, and Helmut Wandl born July 11, 1947, at Erding, Germany. On October 29, 1948, she was convicted of 1 charge of causing abortion to be performed upon herself and on 3 charges of accessory before the fact of abortion, in that she informed 3 other persons of the name and address of the abortionist. She was convicted on each charge. On the completed crimes she received a 3-month sentence, and 3 weeks each on the offenses of assisting. She had spent 113 days in jail pending trial. The sentence was suspended conditioned upon good behavior and she was placed on probation which terminated on November 1, 1951.

The sponsor was born on June 22, 1917, at Duluth, Minn. He is a staff sergeant in the United States Air Force Base in Germany. He is living there with the beneficiary. He reenlisted in the Air Force on May 19, 1953.

Since the beneficiary and her husband reside outside of the United States, the committee may desire to request appropriate investigation abroad.

The Director of the Visa Office, Department of State, also submitted the following report and documents relating to the case:

DEPARTMENT OF STATE,
Washington, March 30, 1954.

In reply refer to: VO 150 Wandl, Berta

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Berta Wandl, the wife of Sgt. William Albert Mansergh, and the beneficiary of H. R. 1637, 83d Congress, 1st session.

A communication received from the American consular office concerned reports that an attempt has been made to locate the court proceedings covering Mrs. Mansergh's convictions in 1948 of abortion and of being an accessory before the fact of abortion on three different occasions, but that so far it has been unsuccessful. It is therefore being suggested to the consular office that inquiry be made of Sergeant Mansergh regarding the court and place of his wife's convictions, and that another effort be made to procure either the court records or other pertinent information in her case. If these are obtained another report will be submitted to the Department, and a further communication will then be addressed to you.

The crime of conspiracy to commit an abortion and assistance in abortion have been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, as amended, and are considered to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which repealed the act of February 5, 1917, and certain other immigration laws. The section last cited renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Mansergh.

In this connection, it is noted that the proposed bill provides relief from the excluding provisions of the 11th category of section 3 of the 1917 act rather than from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, as hereinbefore cited.

At this time the Department has no knowledge of any factor in Mrs. Mansergh's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Mansergh from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

[Translation]

Der Oberlandesgerichtspraesident
GRNr. 1451 E–5–12863/54.

MUENCHEN 35, *Tel: 58 321,*
26 Jul 1954.

To the American Consulate, Visa Clearing Office.
Stuttgart
Subject: Information concerning previous convictions of Mrs. Berta Mansergh nee Wandl, born 12 April 1926, at Maires (Austria).
Enclosure: 1 copy of sentence.

In answer to your letter of 12 April 1954, addressed to the Amtsgericht at Erding and in supplement to my letter of 24 June 1954, I am enclosing a certified copy of the clmplete sentence of 29 October 1948 (Ds 83–90/48) by the Amtsgericht Erding. I trust that this will suffice.

Mrs. Berta Mansergh has consented to the transmittal of the copy. She resides at Moosburg, 4 Merianstrasse.

(Signed) Dr. Mueller,
(Dr. MUELLER),
Landegrichtsrat.

[Translation]

DS 83–90/48

Sentence

The Magistrate Court (Amtsgericht) at Erding in the penal case versus (1) Wandl Berta; (2) Schwanghart Maria; (3) Hauth Josef; (4) Hoffmann Stefanie; (5) Schneider Maria; (6) Gass Paul; on charges of abortion and others, in the open session on Friday, October 29, 1948, in which participated (1) Agr. Alferthofer as chairman; (2) Joj. Hornstein as representative of the State attorney; (3) Just. Ang. Kast as assistant recorder.
On the basis of the main session, decides as follows:

Wandl, Berta, born April 12, 1926, at Meires, district Weidhofen (Austria) single, children's nurse, residing at Siglfing No. 3, is sentenced on one charge of abortion in conjunction with three compound charges of abetting in one case an abortion to a cumulative sentence of 4 months' imprisonment, deducting the time since July 8, 1948, 8. a. m., spent in pretrial confinement;

* * * * * * *

In the case of the accused Wandl, the court considered 3 months imprisonment for the accomplished abortion, and three weeks imprisonment for each of the three cases of abetting in an abortion as appropriate punishment. These indi-

vidual sentences were converted into a cumulative sentence of 4 months and 14 days, pursuant to Par. 74, German Criminal Code.

* * * * * * *

The decision concerning the costs was based on Par. 464, Code of Criminal Procedures.

The Chairman:

(Signed) ALFERTSHOFER,
Amtsgerichtsrat.

Certified true copy:
Erding, June 3, 1954.
The Keeper of Documents at the Amtsgericht Erding:
[SEAL] (Sgd.) BAYER.
Amtsgericht Erding.

Congressman Walt Horan, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following affidavits in connection with the bill:

HEADQUARTERS,
85TH AIR DEPOT WING,
APO 207 USAF, c/o POSTMASTER,
New York, N. Y., July 27, 1953.

CHARACTER REFERENCE

To Whom It May Concern:

This is to certify that the undersigned has been personally acquainted with Staff Sergeant Mansergh and Mrs. Mansergh for the past 2 years. During this time I have had occasion in connection with marriage laws of this country to investigate the character of each. Staff Sergeant Mansergh has an unusually splendid record of service in the military. During the time he was stationed at this Air Depot, he was held in high esteem by all who knew him and had many friends among both the military and civilian populace.

Mrs. Mansergh is a woman of the highest ideals and convictions. During the past 4 years of her residence in this part of Germany her character has been above reproach. She enjoys the friendship and confidence of her friends among the military as well as civilian. Her relation to the German national officials is of the best and free from any criticism. She fills her place as a wife and mother in an admirable way.

Without hesitation I fully recommend these people as to their character and ability of Mrs. Mansergh to fit perfectly into the ideals and standards of American democracy and that she does possess qualities which will enable her to be a representative American citizen.

VIRGIL P. HULSE,
Chaplain (Lieutenant Colonel, United States Air Force),
Wing Chaplain.

BASE FLIGHT SECTION,
85TH OPERATIONS SQUADRON, DEPOT,
85TH AIR BASE GROUP, DEPOT,
APO 207, United States Air Force, June 15, 1953.

Subject: Character reference.

To Whom it May Concern:

I have known S. Sgt. William A. Mansergh for the past 2 years, and he has demonstrated excellent character and has proven a credit to the United States Air Force, his family, himself, and all he is associated with.

CHARLES E. SUMMERS, AF6964367,
Master Sergeant, 85th Oprs Sq, Dep,
Line Chief.

BASE FLIGHT SECTION,
85TH OPERATIONS SQUADRON, DEPOT,
85TH AIR BASE GROUP DEPOT,
APO 207, United States Air Force, June 15, 1953.

Subject: Character reference.

To Whom it May Concern:

I have known S. Sgt. William H. Mansergh for the past 2 years and in my estimation he is of excellent character and is a credit to the United States Air Force, his family, himself, and all he is associated with.

ELMER F. JAMES,
Major, United States Air Force,
Engineering Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2933) should be enacted.

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Calendar No. 667

84TH CONGRESS, 1st Session | SENATE | REPORT No. 662

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EUFRONIO D. ESPINA

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3069]

The Committee on the Judiciary, to which was referred the bill (H. R. 3069) for the relief of Eufronio D. Espina, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Eufronio D. Espina. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of the Philippine Islands who last entered the United States on October 19, 1950, as a seaman. He was inducted into the United States Army on December 15, 1950, at his request, and was honorably discharged on August 14, 1952. Since his discharge, the beneficiary has been attending school under the GI bill. During his tour of duty, the beneficiary served in Japan and Korea. The beneficiary is not eligible under the provisions of Public Law 86 inasmuch as he was not physically present in the United States for 1 year prior to the time he entered the Armed Forces.

A letter, with attached memorandum, dated November 13, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 2047, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 13, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2047) for the relief of Eufronio D. Espina, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that a number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of the Philippine Islands.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EUFRONIO D. ESPINA, BENEFICIARY OF H. R. 2047

The alien, Eufronio D. Espina, who is single, was born on August 3, 1925, at Surigao, Philippine Islands. He last entered the United States at Seattle, Wash. on October 19, 1950, and was admitted as a seaman for 29 days. He was subsequently granted an extension of time to January 17, 1951. Deportation proceedings were instituted on July 23, 1952, and he was granted the privilege of voluntary departure to be effected on or before October 2, 1952. He has failed to depart.

The beneficiary was inducted into the United States Army on December 15, 1950, at his request, and was honorably discharged on August 14, 1952. He has been attending school under the GI bill since his discharge.

The beneficiary has no close relatives residing in the United States. His parents, 3 brothers, and 2 sisters reside in the Philippine Islands.

Congressman John F. Shelley, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letters in support of the bill:

SAN FRANCISCO, CALIF., *February 16, 1953.*

To Whom It May Concern:

Relative to Mr. Eufronio D. Espina, I have known him since December 1950, when we were in the armed services and saw action together in Korea.

After returning to civilian life, have seen him often and have found him to be an honest and upright individual. I believe he would make a good citizen of the United States of America.

KING I. REATE.

SAN FRANCISCO, CALIF., *February 20, 1953.*

The JUDICIARY COMMITTEE,
Care of Congressman John F. Shelley,
House of Representatives, Washington, D. C.

DEAR SIR: This is to certify that Mr. Eufronio D. Espina is a man of good moral character and integrity. I have known him personally since September 1952, when I met him at a radio school which I am attending under Public Law 550. During our companionship at that school, he has proven that he has the qualities of making a good American.

Your action concerning Mr. E. D. Espina's naturalization is highly approved by me.

Thank you very much.

GIBSON ALVARO.

SAN FRANCISCO, CALIF., *February 20, 1953.*

The JUDICIARY COMMITTEE,
Care of Congressman John F. Shelley,
House of Representatives, Washington, D. C.

GENTLEMEN: In regard to Mr. Eufronio D. Espina, I found him to be an upright individual. I have known him 6 months now and I am fully convinced of the character he possesses.

I am in favor of his desire to become an American citizen. Due to his personal quality and the proving of his loyalty to this country, I hereby affix my signature.

Yours truly,

JOE MATYIKU.

SAN FRANCISCO, CALIF., *September 5, 1952.*

MY DEAR MR. SENATOR: I am writing you to ask for an urgently needed help. I am a Korean veteran who served 20 months in the United States Army which 9 months were spent in Korea. On the 14th of August of this year, my 20th month in the Army, and on my 4th month after my return from Korea, I was released, and at the same time sent to jail for 4 days in Salinas, Calif. The cause of my separation from the Army: alien residing illegally in the United States. This is also the reason why the immigration authorities sent me to jail. At present, I am free because of the bond I put up. But by the 26th of this month I have to deport myself to comply to their order.

I was a merchant seaman before I was drafted in San Francisco in December 15, 1952. Before I came to this country, I was employed on board the United States Army ships in the Philippines and Korea for 2½ years. It was in 1946 till 1948. When I came to the United States, I was a crew member of a Swedish ship. I left the ship with the captain's approval in San Pedro, Calif., and came to San Francisco to register in draft board which drafted me in December 15, 1950. On the induction day, I told the Army officers the truth of my citizenship which is Filipino. They swore me in and felt proud to have served this country. Four months after my induction, I was sent to Japan, then to Korea. After a year of service overseas, I was rotated to this country. But last June, a month after my arrival, the immigration authorities in Salinas told of my deportation. To deport me the Army discharged me a month prior the expiration of my enlistment. It is an honorable discharge, but still I was sent to jai and deport me as well.

I beg you your kindest consideration to help me my trouble. There is nobody of power who can help me but you. I am full of confidence in you that something could be done to prevent my deportation. With all my hopes, I remain.

Yours very respectfully,

EUFRONIO D. ESPINA,
Ex-Sergeant, United States Army.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3069) should be enacted.

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Calendar No. 668

84TH CONGRESS, 1st Session | SENATE | REPORT No. 663

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MRS. LEE TAI HUNG QUAN AND QUAN AH SANG

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3070]

The Committee on the Judiciary, to which was referred the bill (H. R. 3070) for the relief of Mrs. Lee Tai Hung Quan and Quan Ah Sang, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of nonquota immigrants to Mrs. Lee Tai Hung Quan and Quan Ah Sang, the wife and child of Lloyd Quan, deceased citizen of the United States and member of our Armed Forces at the time of his death.

STATEMENT OF FACTS

The beneficiaries of the bill are 38- and 21-year-old natives and citizen of China who presently reside in Hong Kong, and they are mother and son. Another son was admitted to the United States in 1948 as a citizen of this country. The husband and father of the beneficiaries was a United States citizen and married the female beneficiary in China in 1932. He returned to the United States in 1934, and died in the Southwest Pacific while serving in the United States Army on August 31, 1943. But for his death, the beneficiaries would be eligible to enter the United States as nonquota immigrants.

A letter, with attached memorandum, dated December 9, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 4530, which was a bill

introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4530) for the relief of Mrs. Lee Tai Hung Quan and Quan Ah Sang, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the beneficiaries nonquota status.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. LEE TAI HUNG QUAN AND QUAN AH SANG, BENEFICIARIES OF H. R. 4530

The alien, Lee Tai Hung Quan, was born July 8, 1917, in Foon Kong Village, Toy San District, Kwangtung Province, China. The other beneficiary, Quan Ah Sang, is her second son, who was born April 17, 1934, at Lung Ock Village, Toy Shan District, Kwangtung Province, China. Both beneficiaries reside at 120 Wing Lock Sai Street, Hong Kong, British Crown Colony.

Lloyd Quan, Father of Quan Ah Sang, derived United States citizenship through his father, Quan Ah Sam, who was a court record native. Lloyd Quan was born in China on January 18, 1917, and entered the United States in 1928. He returned to China in November of 1931 and married Lee Tai Hung Quan, on March 20, 1932. That marriage produced two sons, the eldest, Quan Ah Bow, was admitted to the United States in 1948 as a citizen. Lloyd Quan returned to the United States in 1934 and he died in the Southwest Pacific while serving in the United States Army on August 31, 1943.

The beneficiaries fled from the Communists and entered Hong Kong in 1949. Lee Tai Hung Quan receives $95 per month from the United States Government as a pension resulting from her husband's death. She also receives $27 per month from his national service life insurance and $20 per month from social security.

Congressman John F. Shelley, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letters and statements in support of the bill:

CATHAY POST NO. 384,
DEPARTMENT OF CALIFORNIA,
San Francisco, Calif., February 11, 1952.

Hon. JOHN F. SHELLEY,
Congress of the United States,
House of Representatives, Washington, D. C.

MY DEAR MR. SHELLEY: Your most gracious letter of January 30 was indeed greatly appreciated by myself and by the members of our post, and we sincerely look forward to an early visit from you.

With reference to the information that you requested for the late Lloyd Quan, I submit the following:

Mrs. Lee Tai Hung is the lawful wife of Lloyd Quan, said marriage having been contracted according the laws and customs of China, and Quan Ah Sang is the issue of both of them. Lee Tai Hung, however, is the wife's maiden name, which more properly should be Lee Tai Hung Quan. Record proof of such relationship would probably be unavailable at present due to the existing circumstances in China, but photographic evidence would probably be available if such were necessary although the Immigration and Naturalization Service would probably have a record of their relationship. In fact, the legality of such kinship has been established previously by virtue of the fact that one Quan Ah Bow has been previously admitted as the son of Lloyd Quan, and is at present residing in San Francisco, Calif.

Said Mrs. Lee Tai Hung is at present living with the said Quan Ah Sang at 120 Wing Lok Street West, Hong Kong, British Crown Colony, care of Eastern Trading Co.

If Mrs. Lee and her son were to enter this country, their means of support would be the following:

(*a*) $27.55 per month from insurance policy No. 31–N–2–253–873.

(*b*) $95 per month from insurance policy No. XC–3–355–111.

(*c*) Guaranty of support from Lew Chung, of 806 Stockton Street, San Francisco, Calif., who is an uncle of the late Lloyd Quan as well as a business associate, and who is at present authorized to handle his affairs, amounting to an unofficial trustee.

We feel quite sure that you will extend your every effort to aid this deserving case, which we feel is deserving of special attention.

Very sincerely yours,

PETER H. WONG, *Commander.*

OFFICIAL STATEMENT OF THE MILITARY SERVICE AND DEATH OF LLOYD QUON
SERVICE NO. 39006256

DEPARTMENT OF THE ARMY,
OFFICE OF THE ADJUTANT GENERAL,
Washington 25, D. C.

The official records show that Lloyd Quon, Army service No. 39006256, was inducted and entered on active duty March 28, 1941. He died August 31, 1943, in the Southwest Pacific area. His death occurred in line of duty and was not the result of his own misconduct.

This official statement furnished May 5, 1952.

By authority of the Secretary of the Army:

K. B. BUSH,
Major General, United States Army,
Acting The Adjutant General.

Countersigned:

JOHN A. MARSZAL,
Adjutant General.

AFFIDAVIT OF SPONSOR

In re Lee Tai Hung Quan and Quan Ah Sang, wife and minor child of Lloyd Quan, deceased citizen of the United States and World War II veteran, beneficiaries of H. R. 6814 introduced by Congressman Jack Shelley, 82d Congress, 2d session.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Halmer Wong, being first duly sworn, deposes and states that:

Affiant is 59 years of age and married; that affiant is a citizen of the United States, having been born on April 11, 1893, in Happy Camp, County of Siskiyou, State of California; that affiant is in perfect health and physical condition; that affiant is a cook by occupation; that affiant operates a partnership known as Uncle H Bakery, 65 Waverly Place, San Francisco; that affiant receives the annual wages of $2,440 as a cook for said Uncle H Bakery and also profits for the year 1951 from said bakery in the amount of $2,390.58; that there is attached hereto a certified copy of form 1065, partnership return of income of the Uncle H Bakery for 1951, and a certified copy of form 1040, individual income tax return for 1951 of affiant and his wife.

That the annual income of affiant is $4,830.58; that affiant is supporting his wife and a mother; that there are no other persons dependent on affiant for support; that affiant's assets consists of a savings account with the Bank of America, Chinatown Branch, San Francisco; the balance of which is $5,188.32; that there is attached hereto a letter from said bank certifying to the existence and balance of said account.

That affiant was acquainted with Lloyd Quan, deceased veteran of World War II, whose wife Lee Tai Hung Quan and minor son, Quan Ah Sang, are beneficiaries of H. R. 6814; that affiant is willing to serve as sponsors of said beneficiaries; that affiant is ready, willing and capable to fully provide for and maintain said

beneficiaries, and that by these presents, he, the affiant herein, does hereby solemnly guarantee to the United States Government that the said beneficiaries will never be a burden on charity nor a public charge after their admission to and during the entire time of their residence in the United States.

That affiant has not previously submitted affidavits of support for any person nor previously submitted petitions for the issuance of immigration visa for any person;

That this affidavit is made for the specific purpose of facilitating the admission of said Lee Tai Hung Quan and Quan Ah Sang into the United States and is made with the knowledge that swearing to any false statement in any way affecting or relating to the right of an alien to admission to the United States constitutes the crime of perjury.

HALMER WONG.

Subscribed and sworn to before me this 16th day of April 1952.

THOMAS F. LEONG,
Notary Public.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3070) should be enacted.

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Calendar No. 669

84TH CONGRESS, 1st Session | SENATE | REPORT No. 664

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VIRGIL WON (ALSO KNOWN AS VIRGILIO JACKSON)

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3075]

The Committee on the Judiciary, to which was referred the bill (H. R. 3075) for the relief of Virgil Won (also known as Virgilio Jackson), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to exempt Virgil Won (also known as Virgilio Jackson) who was born in Nicaragua of Chinese ancestry, from the provisions of section 202 (b) of the Immigration and Nationality Act.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of Nicaragua of Chinese ancestry, who is presently serving as a civilian with the United States Army in Korea. The beneficiary is an orphan and when he was a few years old, he was brought to the United States in 1925 in transit to China, but because of illness he was placed in a boys' home, where he remained until 1933, when he proceeded to China. In 1941 the beneficiary became an interpreter with the American Army in China, and from 1944 to 1946 he served as a parachutist and guerrilla warfare expert with the OSS in south China. In 1947 he joined the American Graves Registration unit locating graves of American soldiers in China. In 1949 and 1950 he was employed with General Chennault's Air Transport Association, which was forced to Formosa. The beneficiary went to Hong Kong and in 1951 went to Korea. He has been unsuccessful in his attempts to obtain a Nicaraguan passport and in

February 1955 his application under the Refugee Relief Act was denied.

A letter, with attached memorandum, dated January 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 62741, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 62741) for the relief of Virgil Won (also known as Virgilio Jackson), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to exempt the beneficiary from the quota requirements of section 202 (b) of the Immigration and Nationality Act. The alien is chargeable to the quota for Chinese persons.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VIRGIL WON (ALSO KNOWN AS VIRGILIO JACKSON), BENEFICIARY OF H. R. 6274)

The beneficiary, Virgil Won, also known as Virgilio Jackson, is a Chinese person, who was born January 5, 1921, at Bluefields, Nicaragua, and is a citizen of Nicaragua by birth. As orphans, he, his brother, and his sister came to this country in transit from Nicaragua to China in 1925 and because of illness were taken charge of by the Donaldina Cameron House of San Francisco and the Chung Mei Baptist Boys' Home of El Cerrito, Calif. They remained in this country until 1933 when they proceeded to China, where the beneficiary still resides.

Dr. Pardee Lowe, Sr., of San Francisco, is the sponsor of the bill and has furnished information concerning the beneficiary. Dr. Lowe is a native and citizen of the United States who married Anita Ting in Shanghai in 1948. Mrs. Lowe is now a naturalized citizen of the United States.

He first met the beneficiary in 1925 when he took an interest in the plight of the three orphans, and he has kept contact with him since that time. He is willing to assist in the support of the beneficiary if he is admitted to this country but he believes that the beneficiary has between $5,000 and $6,000 in assets in the United States.

Mr. Won reportedly served as a parachutist and guerrilla warfare expert with the Office of Strategic Services in South China from 1944 to 1946, and during the same period he also worked with the Graves Registration Service of the United States Army.

He is presently employed in a civilian capacity in China with the United States Army, Detachment of Civilians, Headquarters Detachment, 303d Communications Reconnaissance Battalion, APO 358, care of Postmaster, San Francisco, Calif. His salary rating is that of GS-6. He is believed to be unmarried.

Dr. Pardee Lowe, Sr., served honorably in the United States Army, from 1942 to 1946 and anticipates a recall to active duty with the rank of major in the near future.

Congressman John F. Shelley, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in support of the bill:

EXHIBIT E

AMERICAN GRAVES REGISTRATION SERVICE, CHINA ZONE, SEARCH AND RECOVERY TEAM SIX, APO 917

HENGYANG, CHINA, *September 6, 1947.*

To Whom It May Concern:

The bearer of this, Mr. Virgil S. Won, has been employed as interpreter and investigator for the American Graves Registration Service, China Zone, from July 1, 1946, to September 10, 1947, dates inclusive.

Mr. Won has displayed extreme initiative in his work and was considered the most valuable of all civilian personnel in the service.

He is honest, energetic, and his character is above reproach. It is a pleasure to recommend Mr. Virgil S. Won to anyone desiring the employment of a person with the above-mentioned qualifications.

PAUL E. MCLAUGHLIN,
Captain, CMP, Commanding.

Conducted by the Board of National Missions of the Presbyterian Church in the U. S. A.

DONALDINA CAMERON HOUSE,
CHRISTIAN SERVICE DEPARTMENT,
San Francisco, Calif., August 4, 1953.

Hon. JOHN F. SHELLEY,
House of Representatives, Washington, D. C.

DEAR MR. SHELLEY: We are writing to you concerning Virgil Won on whose behalf you have introduced the bill H. R. 6274 in the House of Representatives.

We are most grateful to you for your assistance to Mr. Won in this matter. We have been closely associated with this case for many years as the records show.

When Mr. Won was a small boy his parents in Nicaragua died and his relatives arranged for his return with his small brother and sister to China. When they arrived in San Francisco, it was brought to the attention of Miss Donaldina Cameron, who was then the executive of this home then called the Chinese Presbyterian Mission Home, that these small children were being sent to China and that there was no adequate provision there for their care and supervision. Miss Cameron interceded with the immigration authorities for these children and it was made possible for them to remain in this country until 1932 when Miss Cameron was able to arrange for their safe conduct to China in the care of one of the members of the staff, and for their placement with responsible persons over there.

We have continued to follow Mr. Won's career as he studied in one of the mission institutions in China and during the war served as a civilian employee of the United States Army making a most creditable record in this employment. With the outbreak of the trouble in Korea, Mr. Won felt that he wanted to do something in the cause of democracy and he has, for some time now, been serving as a civilian employee of the United States Army in Korea. Here too, his record seems to have been excellent.

His extended stay in the United States during his formative years made a lasting impression upon him and he is more American in his ideals and ways of thinking than either Nicaraguan or Chinese. We believe that he would make an excellent citizen of this country if he were given the opportunity and that his service with the United States Army both in China and in Korea showed the sincerity of his love for America and its principles and merits for him the opportunity to come to this country.

We will appreciate every effort that you can make in support of this bill which you have so kindly introduced.

Sincerely yours,

LORNA LOGAN.

HEADQUARTERS,
303D COMMUNICATION RECONNAISSANCE BATTALION,
APO 358, September 5, 1952.

Subject: Recommendations for award.
To: Mr. Virgil Won.

1. Noted and forwarded with pleasure.

2. I wish to add my appreciation and commendation for your splendid performance of duty and your unusually fine cooperation. Your contributions in effort, efficiency, and judgment have materially aided this unit in a successful pursuit of its assigned mission. You are a definite credit to this unit, the United Nations Forces, and your own country.

JOHN R. WHEAT,
Major, Armor, Commanding.

303D COMMUNICATION RECONNAISSANCE BATTALION, USM 30-03,
APO 301, April 25, 1952.

Subject: Letter of recommendation.

To Whom It May Concern:

This is to certify that Mr. Virgil Won, DAC, has worked on my team since I took charge on the 18th of February 1952. During this time I have had ample opportunity to observe him both in official and nonofficial capacity.

I have found him to be ready, willing, and able to perform any duties required of him. He is conscientious, loyal and has not hesitated to work long hours without complaint or extra remuneration.

JAMES T. HUGHES,
First Lieutenant, Signal Corps.

FORT COLLINS, COLO., *November 10, 1953.*

Hon. JOHN F. SHELLEY,
House Office Building, Washington, D. C.

MY DEAR MR. SHELLEY: I am writing this letter in regard to H. R. 6274 concerning Virgil Won.

As an officer of Army Security Agency serving in Korea, I was privileged to have under my command Virgil Won. I can sincerely declare that Mr. Won's loyalty and devotion to duty was beyond reproach. His services to the Government of the United States are certainly indicative of his desire and ability to meet the standards required for citizenship. I recommend without reservation that Virgil Won be considered as a future citizen of this country.

Respectfully,

LAMAR M. KNILL.

OCCIDENTAL COLLEGE,
DEPARTMENT OF BIOLOGY,
Los Angeles, Calif., November 11, 1953.

Hon. JOHN F. SHELLEY,
House Office Building, Washington, D. C.

DEAR SIR: I understand that you introduced H. R. 6274, a bill providing for the entrance to this country of Virgil Won, with whom I served during World War II. I should like to ask whether there is any way in which I can help assure the passage of this bill.

Virgil served as my interpreter for nearly a year during the war, where I was with the OSS in China. He worked for the OSS prior to the time that he was assigned with me, and his assignments were always of a difficult type. He handled all of them well and faithfully. I understand that he has sent the recommendation that I gave him at the close of the war to Senator Knowland, and I would like to take this opportunity of affirming all that I said at that time.

Since 1946, Virgil has had additional service in the Army in China, worked in private business for a while and has been with the U. N. forces in Korea virtually since the outbreak of hostilities. Certainly few of us have served the country overseas as long as he has.

Virgil has written me several times over a period of years regarding his hatred of communism and what it has done to China, and wrote with considerable elation when he got the assignment to go to Korea, as he felt that he now had an opportunity to do his bit in the fight against communism.

As you probably appreciate, our relationship was very close. I was in the field for nearly a year, and while the Americans with me varied from time to time, Virgil was with me all of the time. We were sent on several trips to gather intelligence regarding the terrain or to contact various individuals who were in a position to help us in the war effort. Most of these trips were made on foot, and we walked an estimated 1,200 miles together. The last 3 or 4 months of the war we were in a team, of which I was the leader, which parachuted behind the so-called Japanese lines. Actually we were then in a rather large pocket of China which was surrounded, but not actually occupied by the Japanese. During this time we worked with a large guerilla group in harrassing the Japanese outside Changsha, the capital of Hunan Province. We also gathered strategic and tactical intelligence from this region through three different intelligence networks. All of this would have been impossible without an interpreter, and while I worked with several, Virgil was so much better than the rest that I was greatly envied by the other American teams. In contrast with most Chinese, Virgil translated my statements as closely as possible, and did not hesitate to let people know just how I felt, even though this made the Chinese with whom we might be dealing look pretty bad.

During the war Virgil exhibited great hatred for the Japanese, and during raids I had to watch him constantly, or he would be out in the brush stalking the Japanese on his own. He hunted them like rabbits. He expressed the same sentiments regarding the Communists, though I have not been in contact with him during this period.

I would appreciate any suggestions you might have as to how I might assist in the passage of this bill, or would be very happy to answer any questions regarding Virgil which you might care to put.

Sincerely,

JOHN POINDEXTER.

In addition, Congressman Shelley wrote to the chairman of the Senate Committee on the Judiciary under date of April 20, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: This is to advise you that the House yesterday, April 19, 1955, passed my bill, H. R. 3075, which I introduced to grant nonquota status to Virgil Won (also known as Virgilio Jackson), a Chinese person who was born in Nicaragua, January 5, 1921.

Virgil Won's parents died when he was a few years old, and he was brought to the United States in 1925 and placed in the Chung Mei Home for Chinese Boys in El Cerrito, Calif. In 1933 he was ordered deported, along with his brother and sister, by the Immigration Service. They were sent to China and Virgil was placed in the Baptist Orphanage in Canton. At the time of the Japanese attack on Canton he fled to Kweilin, Kwangsi Province, and attended high school. In 1941 Virgil Won became a civilian interpreter with the American Army in China and remained in that position until 1946 with the OSS, engaging in various types of guerilla warfare. Upon the completion of his high-school education in 1947, he joined an American Graves Registration unit locating graves of American soldiers in China, and during the same period he also worked for the Standard-Vacuum Oil Co. in Canton. Through 1949 and 1950 Virgil Won was employed by Gen. Claire Chennault's Civil Air Transport Corp. When the CAT was forced to go to Formosa by the Communist China forces, Won fled to Hong Kong where he obtained a position with Caltex Oil Co. He resigned from this company in 1951 to serve with the United States Army in Korea as a civilian, doing work similar to that done with the Army in China. Won is still with the forces in Korea. Although he has continually tried to return to the United States, he has been unsuccessful in his attempts to obtain a Nicaraguan passport and in February 1955 his Refugee Relief Act application was rejected by the American consul in Seoul, Korea. H. R. 3075 waives the requirement that Won enter under

the Asia-Pacific triangle quota. This waiver would make him eligible for non-quota status as a Nicaraguan.

Your interest in bringing H. R. 3075 before the committee for action will be appreciated, and with kind regards, I am

Sincerely and cordially,

JOHN F. SHELLEY,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3075) should be enacted.

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Calendar No. 670

84TH CONGRESS, *1st Session* | SENATE | REPORT No. 665

JOHN AXEL ARVIDSON

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 550]

The Committee on the Judiciary, to which was referred the bill (S. 550) for the relief of John Axel Arvidson, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of John Axel Arvidson. From and after the date of enactment of this Act, the said John Axel Arvidson shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of John Axel Arvidson and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based. The bill has been amended to provide for the cancellation of the outstanding deportation proceedings rather than to waive certain of the eligibility requirements for naturalization.

STATEMENT OF FACTS

The beneficiary of the bill is a 59-year-old native of Sweden who is stateless. He came to the United States as an immigrant in 1913 and has lived here for the past 42 years except for a few trips to Canada and Sweden. He has been married to a native-born United States citizen for 37 years. His wife lost her United States citizenship because of her marriage to the beneficiary, but subsequently regained it. In 1918 the beneficiary was drafted into the United States Army and served for some months. Two days before the armistice, November 11, 1918, he applied for release from the Army on the ground that he was an alien, but before his application for release could be officially acted upon, the Armistice occurred; his Army unit was disbanded, and he was given an honorable discharge. On the basis of that honorable discharge he was naturalized under a special act relating to honorably discharged veterans on December 20, 1922. In 1932 it was judicially determined in denaturalization proceedings that his citizenship had been erroneously granted on the ground that by filing his claim for exemption from military service he was forever barred from citizenship. Through those proceedings conducted in absentia, since he could not be found, his citizenship was terminated. Nineteen years later, when applying for a passport he learned that his citizenship had been canceled. The beneficiary is now the subject of deportation proceedings.

A letter, with attached memorandum, dated November 10, 1953, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 861 which was a bill introduced in the 83d Congress for the relief of the same alien reads as follows:

NOVEMBER 10, 1953.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 861) for the relief of John Axel Arvidson, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would authorize and direct the Attorney General to discontinue deportation proceedings in the case of the alien and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond. It would further provide that the alien shall not again be subject to deportation by reason of the same facts upon which the deportation proceedings were commenced.

Sincerely,

———— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOHN AXEL ARVIDSON, BENEFICIARY OF S. 861

John Axel Arvidson, who is stateless, was born in Ostmark, Sweden, on October 12, 1895. He first came to the United States in 1913. On November 9, 1918, he withdrew his intention of becoming a citizen of the United States with the understanding that he would be forever debarred from becoming a citizen. However, he was later naturalized as a citizen of the United States on December 20, 1922, in the district court of Ramsey County, St. Paul, Minn., as the fact of the withdrawal of his intention of becoming a citizen did not then come to light. On February 6, 1932, his certificate of naturalization was canceled in a suit where service was had by publication. Unaware that his certificate of naturalization had been canceled, Mr. Arvidson made a trip to Sweden in December 1932 and, upon his return to this country on March 13, 1933, was admitted as a citizen upon presentation of his naturalization certificate, a passport not being necessary at

that time for travel to Sweden. He also made occasional short visits to Canada, the last in September 1951, and used his naturalization certificate to effect reentry into the United States. In 1951, when he intended to make another trip to Sweden and a passport was necessary, he applied to the Department of State for such document and was informed that he could not be issued a United States passport, as his citizenship had been canceled.

Deportation proceedings were instituted in December 1951 and Mr. Arvidson was found to be deportable from the United States on grounds that, at the time of his last entry into the United States, he was an immigrant not in possession of an immigration visa, and also that he did not present a passport or official document in the nature of a passport, as required by an Executive order in effect at the time of his last entry. As an alien ineligible to citizenship, he was found not to be entitled to suspension of deportation. His appeal to the Board of Immigration Appeals is pending.

According to a local draft board report dated November 14, 1918, Mr. Arvidson left the United States for Canada about the time the United States declared war and remained there until December 1917, when he returned to the United States. He was married on February 16, 1918. He did not register for the draft until March 1, 1918. In view of his statements at the time of registration that he would make no claim for exemption on the ground of dependency or on the ground of alienage, the board promptly examined him and sent him to camp with the first contingent to leave thereafter. He was inducted into the United States Army on April 26, 1918, and was sent to Camp Travis, Tex., for training.

On November 9, 1918, 2 days before the signing of the armistice in World War I, Mr. Arvidson made a sworn application before a United States Army officer at Camp Travis in which he claimed relief from liability to military service. This included the following statements:

"I do hereby withdraw my intention to become a citizen of the United States, which withdrawal I understand shall operate and be held to cancel my declaration of intention to become a citizen of the United States and shall forever debar me from becoming a citizen of the United States in accordance with the act of Congress approved July 9, 1918."

On November 30, 1918, Mr. Arvidson received a certificate from his commanding officer stating that he was honorably discharged from the military service of the United States. He was then a private in the Utilities Detachment, Quartermaster Corps. (It would seem that the honorable discharge was issued in connection with the disbanding of the Armed Forces following the armistice and not as the direct result of his application for relief from military service.)

On December 20, 1922, Mr. Arvidson filed a petition for naturalization in the district court of Ramsey County, St. Paul, Minn., under the provisions of the act of July 19, 1919, which extended certain naturalization privileges to aliens who had served in the Armed Forces of the United States during World War I and had been honorably discharged. He exhibited his honorable discharge certificate to the naturalization examiner in attendance as proof of his eligibility for naturalization. No further investigation was made and he was admitted to citizenship on the same day his petition was filed.

In 1930 it was discovered that the John Axel Arvidson, who had been naturalized as stated above, was the same John Axel Arvidson who had applied for relief from military service with the understanding that he would be forever debarred from becoming a citizen of the United States. An effort to locate Mr. Arvidson at that time was unsuccessful. On November 24, 1930, a communication was received from the Adjutant General of the Army stating that John A. Arvidson had been discharged on November 21, 1918, at Camp Travis, Tex., under other than honorable conditions by reason of alienage. It was decided to institute proceedings to cancel the naturalization on the grounds that (1) naturalization was fraudulently and illegally procured in that the naturalized person had not been honorably discharged from the Armed Forces, as required by the naturalization statute, and (2) that he was forever debarred from becoming a citizen of the United States and, therefore, not entitled to become naturalized under any circumstances at any time. On February 6, 1932, an order was entered in the United States District Court for the District of Minnesota, third division, canceling the certificate of naturalization on the ground that it had been fraudulently and illegally procured. The decree recited that proper service was made but that there was no appearance on the part of the defendant.

The act of July 9, 1918 (40 Stat. 885), which forever debarred from citizenship a neutral alien withdrawing his intention of becoming a citizen of the United States, was repealed by section 505 of the Nationality Act of 1940. The United

States district court for the district in which Mr. Arvidson resides has held that the repeal of the 1918 act did not relieve such an alien from the prohibition against admission to citizenship in view of the provisions of section 347 (a), the so-called saving clause of the 1940 act (petition of Samowich, Western District, Washington, 1947, 70 F. Supp. 273).

Mr. Arvidson has resided for a number of years in Auburn, Wash. For the past 9 years, approximately, he has been engaged in contracting for and building houses in the vicinity of Auburn, Wash. He estimates his assets, which include real property and savings, at approximately $68,000.

Mr. Arvidson was married on February 16, 1918, to a native of Wisconsin, who lost her United States citizenship by reason of such marriage. She regained citizenship through repatriation proceedings in the fall of 1951. They have one adopted daughter, who is married.

Senator Henry M. Jackson, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D. C., February 5, 1954.

Hon. WILLIAM LANGER,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR LANGER: I am enclosing self-explanatory documentation on behalf of private immigration legislation for the relief of John Axel Arvidson (S. 861).

This was held in abeyance until it had been acted upon by the Board of Immigration Appeals. The recent action by that group leaves no alternative but to proceed with this private legislation.

Mr. Arvidson has resided in this country over 40 years. While still an alien, allowed himself to be drafted into the United States Army during World War I. Afflicted with flat feet, he signed an application November 9, 1918, requesting termination of service because of his alien status. Mr. Arvidson was not too well acquainted with the English language at that time and apparently did not realize that he had waived his right to become an American citizen.

Mr. Arvidson received an honorable discharge from the Army November 21, 1918. He became a United States citizen under act 41 Statute 222 whereby any soldier honorably discharged was entitled to citizenship without meeting other requirements. This act was passed by Congress July 19,1919.

He was granted citizenship in the district court of Ramsey County, St. Paul, Minn., December 20, 1922, resulting from application of above legislation.

Mr. Arvidson took a trip to Sweden in 1933 and encountered no difficulty with his papers. In intervening years he has taken numerous trips to Canada without any complications. In fact, it wasn't until October 1951 when he planned another trip to Sweden that he knew of such cancellation of his citizenship papers.

In his hometown of Auburn, Wash., Mr. Arvidson is hard working and respected by the community. Although he has driven automobiles for many years, he has no traffic or police citations.

Should he be forced to go to Sweden, he would be at considerable loss; moreover, Mrs. Arvidson, who is American-born, would be considerably more handicapped in a strange country.

I feel this matter should be given full consideration by the Senate Judiciary Committee. Should further documentation be needed, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

BELL, MCNEIL & BOWLES,
ATTORNEYS AT LAW,
Seattle, Wash., July 29, 1954.

Hon. HENRY M. JACKSON,
United States Senate,
Washington, D. C.

DEAR SENATOR JACKSON: Since receiving your letter of June 16, 1954, in regard to the private relief bill of John Axel Arvidson we have been giving this matter additional study. In your letter of June 16, 1954, you state the Senate

Judiciary Committee decided to postpone indefinitely further consideration of this bill because approval of the measure appeared unwarranted on the basis of the information available to the committee.

We have again briefed the decisions involving the action of the Government in canceling Mr. Arvidson's citizenship. This action took place without any personal service or notice to Mr. Arvidson. Another fact we should mention at this time is the fact that Mr. Arvidson actually served in the United States Army after he was drafted up to and subsequent to the time of the armistice. At the time of his discharge he received an honorable discharge. The honorable discharge was the basis of the action granting his citizenship. After the Army gave this man an honorable discharge and he had his citizenship the Government brought the action to cancel his citizenship and, apparently, represented to the court in that action that he was not entitled to the honorable discharge that he had received. It appears that the application signed by Mr. Arvidson for exemption from service in the Army by reason of being an alien was signed by him 2 days before the armistice. It further appears as a fact that he was discharged before any action was taken on his application for exemption for military service. All of this confusion and the facts lead us to believe that we can, in an action in the courts, set aside that judgment canceling Mr. Arvidson's citizenship.

Even though we are successful in setting aside this judgment by such a favorable decision and we can return to Mr. Arvidson his citizenship, we still face an action by the Government to cancel his citizenship by reason of the fact that he signed the application for exemption from military service. Yesterday the writer again had a conference with Mr. John P. Boyd, 815 Airport Way, Seattle, Wash., district director of immigration and naturalization. In this conference we definitely found that in the event we were able to set aside the order of court canceling Mr. Arvidson's citizenship he would still be subjected to a proceeding by the Government to cancel his citizenship. It further appeared from this conference that Mr. Boyd was of the opinion that the only relief that can be obtained by Mr. Arvidson is relief from a private bill in the United States Senate.

Another fact definitely has arisen in this case and that is that Mr. Arvidson cannot be returned to his native land of Sweden. The Swedish authorities declare that they will not permit him to return to Sweden under the circumstances. We have also definitely established that he cannot be returned to Canada. This places Mr. Arvidson in the position as being a man without a country.

If the committee will again examine the facts of this case they will find conclusively that Mr. Arvidson has been a good member of the community. He has a good reputation, and has no record against him of any nature or description that disqualifies him for citizenship.

We fully realize that you have taken care of this matter properly for us and we are reluctant to suggest at the present time during the late period of the present session that you again attempt to put through this bill. However, Mr. Arvidson faces an impossible dilemma and something should be done for him. We suggest that the committee should consult Mr. John P. Boyd, 815 Airport Way, Seattle, Wash., director of immigration and naturalization, in regard to this case. By doing so they can, we believe, confirm all of the statements that we have made in connection with this matter.

If it is impossible for you to obtain this relief during this session of Congress, we hope you will be willing to introduce another bill for Mr. Arvidson's relief at the next session of Congress in 1955.

Thanking you, we remain

Yours truly,

WILLIAM A. BOWLES.

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D. C., March 25, 1955.

Hon. HARLEY KILGORE,
Chairman, Immigration Subcommittee, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: I am writing this letter on behalf of Mr. John Axel Arvidson for whom I have introduced private immigration legislation, S. 550.

Mr. Arvidson's bill in the 83d Congress, S. 861, was held up until appeal by administrative means had been exhausted. Additional documentary evidence was introduced in a letter last August 3, but Congress adjourned before the Judiciary Committee could act.

He has resided in this country more than 40 years. While still an alien, he allowed himself to be drafted into the United States Army during World War I. Afflicted with flat feet, he signed an application for termination of service due to his alien status. He was not well versed in English at that time and apparently did not understand that he had waived his right to become an American citizen.

He was honorably discharged November 21, 1918, and subsequently became a United States citizen in the district court, Ramsey County, St. Paul, Minn., on December 20, 1922, under act 41 Statutes 222 whereby an honorably discharged soldier could obtain his United States citizenship. This act was passed by Congress July 19, 1919.

It was not until 1932 that this discrepancy was discovered. Unable to reach Mr. Arvidson, he was tried in absentia before the United States District Court of the Third District, Minnesota, in Minneapolis whose judgment canceled his citizenship February 6, 1932.

Mr. Arvidson was unaware of this action until 1951, when he discovered he would not be able to go to Sweden because of this. Prior to that time, he made a trip to Sweden in 1933 and left the United States on several occasions for trips into Canada without encountering any difficulties.

Mr. Arvidson is a hard-working, well-respected member of the Auburn, Wash., community. Although he has driven an automobile for several years, he has no traffic or police citations to his name.

He is married to an American-born woman. Should he be deported to Sweden, the real hardship would fall on Mrs. Arvidson who would be forced to reside in a strange country.

I feel this matter deserves full consideration in view of the fact that the many errors were committed several years ago, including the grant of citizenship, the issuance of the honorable discharge by the United States Army, and the lapse of time from the court order canceling his citizenship to the actual time he found out it had taken place.

His conduct in the United States during these many years entitles him to something better than banishment.

Should further information be needed, please do not hesitate to contact me.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 550), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 666

JOSEPH VYSKOCIL

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1337]

The Committee on the Judiciary, to which was referred the bill (S. 1337) for the relief of Joseph Vyskocil, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, for the purposes of the Immigration and Nationality Act, Joseph Vyskocil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Joseph Vyskocil. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been amended to conform to the usual language used in this type of bill.

STATEMENT OF FACTS

The beneficiary of the bill is a 60-year-old native and citizen of Czechoslovakia. Coming from India, he last entered the United

States on May 23, 1950, at New York as a visitor. He resided in India from 1931 until his departure for the United States. He has been residing in San Antonio, Tex. He is an artist, a portrait painter, by profession. He is well educated, cultured, speaks several languages, was graduated in civil engineering, and is writing some modern music.

A letter dated July 25, 1951, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to H. R. 731 which was a bill introduced in the 82d Congress for the relief of the same alien reads as follows:

JULY 25, 1951.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 731) for the relief of Joseph Vyskocil, an alien.

The bill would direct the Attorney General to record the lawful admission for permanent residence in the United States of Joseph Vyskocil at the port of New York as of April 23, 1950, upon payment by him of the required visa fee and head tax. It would also direct the Secretary of State to instruct the proper quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that the alien is a native and citizen of Czechoslovakia, having been born on March 19, 1895, in Prague. Coming from India, he last entered the United States on May 23, 1950, at the port of New York, via plane, when he was admitted as a temporary visitor until August 23, 1950, under section 3 (2) of the Immigration Act of 1924. He was granted an extension of his temporary stay until November 3, 1950.

The files further reflect that the alien stated that at the time of his entry into the United States he did not intend to remain here permanently, but was coming to this country for a temporary visit. He further stated that he is a portrait painter by occupation, that he has been doing some portrait work and sketches of local scenes, and that he had secured a contract with a private company in Texas to paint a mural, for which he will receive a fee of $500 when it is completed. It appears that upon his entry into this country he remained for a short time in New York City, after which he proceeded to San Antonio, Tex., where he was a guest in the home of Lt. Comdr. W. W. Stark, retired, from July until the latter part of September 1950. Mr. Vyskocil stated that he resided in India from 1931 until his departure for the United States and that he was anti-Nazi during the war, volunteering his services to the British.

The quota for Czechoslovakia, to which the alien is chargeable, is oversubscribed and an immigration visa is not readily obtainable. His case is similar to those of many other aliens who desire entry into the United States for permanent residence, but who are unable to do so because of the oversubscribed condition of the quotas to which they are chargeable. The record presents no facts to justify the enactment of special legislation granting him a preference over the many other aliens in Czechoslovakia and other foreign countries who are awaiting their turn for the issuance of immigration visas. In recent years, many aliens, like Mr. Vyskocil, have gained admission to the United States as visitors, remaining here and then trying to obtain an unjust preference over the alien who, in compliance with the law, remains abroad and awaits his regular turn for the issuance of an immigration visa.

Accordingly, the Department of Justice is unable to recommend passage of this legislation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman Paul J. Kilday, the author of H. R. 808 which was a bill introduced in the 83d Congress for the same alien, submitted the following letters in its support:

ST. LEO'S RECTORY,
San Antonio 4, Tex., September 11, 1953.

Hon. PAUL J. KILDAY, M. C.
Federal Building, San Antonio 5, Tex.

DEAR MR. KILDAY: I am wondering what progress has been made on the case of Mr. Josef Vyskocil, to legalize his presence in the United States and to make it possible for him to proceed with the acquiring of citizenship.

The poor man is impatient to put to good use his varied talents, and to be able to proceed with recovering some equipment and other property that he owns in India and in England. As a man without a country he is hampered in many ways.

Anything you can do for him will, I am convinced, be to the good of our country, too. He will make a valuable citizen. I am enclosing a sample of his work. He has given me his woodcut of Mission Concepcion to be made into a postcard, to be sold for the benefit of that mission. I believe I sent you one of his original prints of that same woodcut. He is contemplating a series of this type of picture of all the missions, and I have encouraged him, but he should have a car to get to these places, and he hesitates to get one because of his uncertain status. He is also writing some modern music. I believe he would make a good professor of art at one of our colleges, and he could get such a position if he could apply with some confidence in his status.

Anything you can do for this man in your kindness will be sincerely appreciated.

Very Rev. JOHN L. MORKOVSKY.

ST. LEO'S RECTORY,
San Antonio, Tex., October 14, 1950.

Hon. PAUL KILDAY,
House Office Building, Washington, D. C.

DEAR MR. KILDAY: Several weeks ago I wrote you in behalf of an acquaintance of mine, Joseph Vyskocil, of Czechoslovak origin, who, I believe, is deserving of some assistance so that he can establish a permanent status in the United States. The matter is rather urgent, because his permit will run out on Nov. 23. He will likely have no difficulty in getting it extended for 3 months by the Bureau of Immigration, but that will be the last extension he can expect.

Mr. Vyskocil is a graduate architectural engineer since 1919, but has never followed that profession. Since getting his degree he has been a portrait painter and artist, in European countries, 2½ years in the United States 1927–29—but mostly in India. He is anti-Communist, and consequently a man without a country—he refused to surrender his Czech passport as officially requested by the Czech Communist government in November 1949. All decent Czech nationals are now either dead, or in concentration camps, or stateless, if they were fortunate enough to be out of their country. Mr. Vyskocil is among the latter.

I wrote in my recent letter to you that the art department of Our Lady of the Lake College was interested in procuring the services of Mr. Vyskocil as a professor. I find now that there is no immediate prospect of a position there. Such a prospect would have doubtless increased the possibility of obtaining a nonquota status. Their registration is now completed for this term, and their present staff is able to take care of their students. The head of the department assured me she was much impressed with his talent when she had a conversation with him, but they have no place for him now. I have not contacted other colleges. The only hope of obtaining a nonquota immigrant status will be in your hands.

Enclosed is a dossier prepared by Mr. Vyskocil. I sincerely hope you will be able to do something.

Sincerely,

Very Rev. JOHN L. MORKOVSKY,
Superintendent of Catholic Schools, Archdiocese of San Antonio.

JOSEPH VYSKOCIL

Passport data

No. 3641-471-48 (now invalid).
Name: Ing. Josef Vyskocil.
Right of residence: Praha.
Place of residence: Patiala, India.
Occupation: Portrait painter.
Place and date of birth: Praha, March 19, 1895.
Date of issue: November 6, 1946.
This passport was issued like all previous passports since 1931, by the Czechoslovakian Consulate General in Bombay, signed by Dr. Lusk.

Certificate of identity

No. I.C./27579, dated April 10, 1950.
Issuing authority: Chief Commissioner, Delhi.
Valid for United States of America up to April 10, 1951.
Nonimmigration visa No. 219, dated April 11, 1950, issued by Consular Service, American Embassy, New Delhi.
Left India from Calcutta by air on April 21, 1950.
Arrived New York, April 23, 1950.
Admitted same day, after examination by special board, United States Department of Justice, Immigration and Naturalization Service, Ellis Island.
Nonimmigrant registration No. V-742775, for 3 months.
This permit was extended until November 23, 1950, in San Antonio.

Other data

Graduated civil engineer with honors in Prague, 1919.
Lived in England 1 year, 1921-22.
1922-27 visited and studied art in France, Italy, Spain, and Egypt.
Visited in United States of America 2½ years, 1927-29.
Arrived in India January 17, 1931, by car and lived there since, mostly in the Indian states, painting portraits for many prominent maharajas, viceroys, and other British personalities. Also made a series of etchings.
At the outbreak of World War II, volunteered for government service, and was for 8 months a member of Aliens Interrogation Committee, Intelligence Bureau, Home Department, Government of India, and remained at their disposal for the duration of the war.
Did not surrender my Czechoslovakian passport as officially requested in November 1949.
Applied for visitor's visa to United States of America and declared under oath on February 2, 1950, at the United States Embassy at New Delhi, that I do not recognize the present government in Czechoslovakia.

Senator Lyndon B. Johnson, the author of the instant bill, submitted the following letters in connection with the case:

KOPECKY CLINIC,
San Antonio 5, Tex., June 24, 1954.

Hon. LYNDON B JOHNSON,
Senator from Texas,
Senate Building, Washington, D. C.

DEAR SENATOR JOHNSON: I take the liberty of writing you on behalf of Mr. Joseph Vyskocil of this city who has applied for permission to remain in the United States permanently. This application was made several years ago. The House of Representatives has acted favorably on the application several months ago. I have just received the distressing information that the Senate committee into whose jurisdiction this matter falls has postponed action on the application indefinitely and that the local immigration officers have given Mr. Vyskocil until August 30, 1954, to get the matter settled or get out of the country. This means that the matter is urgent and the time is short.

Mr. Vyskocil is a native of Czechoslovakia who, previous to coming to the United States about 4 years ago, had been living in India for 20 years. He is an artist, a portrait painter, by profession. After the present Indian Government came into power and things became rather chaotic in that country, Mr. Vyskocil felt that he did not want to live there. He could not go back to Czechoslovakia because he is strongly anti-Communist in his views. So, he came to the United States with the hope of getting permission to remain permanently and, in due time, become a citizen of this country.

Mr. Vyskocil is a well educated, cultured man who speaks several languages, including good English. His political views and his social ideology are like yours or mine. In every way, he is well qualified to become a citizen of whom we might be justly proud and who would be an asset to any community he chooses for his home.

There is a humanitarian aspect to this case. Should permission to remain here permanently be denied this man, and should he be deported to Czechoslovakia, he is sure to face imprisonment, torture and, most likely, death. Our country has always offered refuge to decent, respectable people from other lands who sought to escape from political or religious persecution. I certainly hope that there will be no exception made in this case.

I, as well as the many friends Mr. Vyskocil has made here, sincerely hope that it will be possible for you to put forth efforts that may secure for him the permission that he is pleading for.

Sincerely yours,

JOE KOPECKY, M. D.

ST. MARY MAGDALEN'S RECTORY,
San Antonio, Tex., August 17, 1954.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

HONORABLE CHAIRMAN: This is in reference to H. R. 808 now waiting consideration by your committee. It is for the relief of Mr. Joseph Vyskocil, native of Czechoslovakia, seeking to become a citizen of the United States, above the quota figure.

Mr. Vyskocil, now nearly 60 years of age, is an artist—portraiture, etchings, music, etc.—who spent 19 years in India under the patronage of some of the potentates, until his arrival here about 5 years ago.

During the Second World War he assisted British officials in India in security work. After the Communists took over his own native Czechoslovakia, he repudiated their regime and refused to turn in his passport when all Czech citizens abroad were asked to turn them in for renewal, or, if not favorably disposed toward the Communists, for refusal, repatriation, and liquidation.

I have known Mr. Vyskocil almost since the time of his arrival here about 5 years ago. He is an honorable man. Despite the uncertainty of his status, he has asked for no help except in this matter of extending his stay here so that he can qualify for citizenship. He is a man of culture, having received a training in architectural engineering in his youth; besides Czech and English he speaks several languages fluently. His art work is of high quality, although he has been hampered by lack of mobility due to his being under close supervision all these years by the Bureau of Immigration and Naturalization. He would make an excellent art instructor at any level of education.

A free spirit, opposed to communism as he was to Nazism in its day, he is a peaceful man with no political ax to grind. He found the changing conditions in India too uncertain for the further pursuit of his talents. He asks only to enjoy the freedom and security of our Nation.

Only favorable action by the Judiciary Committee upon H. R. 808 stands between him and the goal of his honorable aspirations. I am writing this to appeal to you to act upon it before Congress adjourns.

Very sincerely,

RT. REV. JOHN L. MORKOVSKY,
Superintendent of Catholic Schools, Archdiocese of San Antonio.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1337), as amended, should be enacted.

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Calendar No. 671

84TH CONGRESS, 1st Session } SENATE { REPORT No. 666

JOSEPH VYSKOCIL

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1337]

The Committee on the Judiciary, to which was referred the bill (S. 1337) for the relief of Joseph Vyskocil, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, for the purposes of the Immigration and Nationality Act, Joseph Vyskocil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Joseph Vyskocil. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been amended to conform to the usual language used in this type of bill.

STATEMENT OF FACTS

The beneficiary of the bill is a 60-year-old native and citizen of Czechoslovakia. Coming from India, he last entered the United

arrival in the United States he married a native-born citizen of the United States and they now reside in Chicago, Ill. The beneficiary has two sisters, a brother and a number of aunts and uncles residing in the United States.

The alien has been granted the privilege of voluntary departure and preexamination, but without the waivers provided for in the bill, he will be unable to avail himself of that administrative remedy for adjustment of his immigration status because he will be ineligible for a nonquota immigrant visa. His citizen wife resides in this country and is under constant medical care.

A letter, with attached memorandum, dated May 6, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 6, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 315) for the relief of Asher Ezrachi, there is attached a memorandum of information concerning the beneficiary which has been prepared from the files of the Immigration and Naturalization Service.

The bill would permit the beneficiary to be admitted to the United States, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa by fraud or by willfully misrepresenting a material fact. It should be noted that the beneficiary may also require a waiver of the provision of section 212 (a) (9) of the Immigration and Nationality Act, as an alien who admits the commission of a crime involving moral turpitude—perjury.

As the husband of a United States citizen, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ASHER EZRACHI, BENEFICIARY OF S. 315

Asher Ezrachi, also known as Osher Mieszczanin, was born in Drochiczyn, Poland, May 4, 1913.

Mr. Ezrachi married a native-born citizen of the United States at Chicago, Ill., September 3, 1951. They reside at 5220 South Harper Avenue, Chicago, Ill. Mr. Ezrachi completed about 7 years' grammar school in Poland. He started to learn carpentry in Poland and is now employed as a carpenter at a salary of $128 per week. He has a savings account of $1,300 and other assets valued at $1,500. His wife has $1,000 in United States savings bonds.

The beneficiary has two sisters, a brother, and a number of aunts and uncles, residing in the United States.

Mr. Ezrachi entered the United States as a temporary visitor August 29, 1950. He was granted extensions of stay to November 8, 1951. As he failed to maintain his visitor's status, deportation proceedings were instituted against him. He has been found deportable and has been granted the privilege of departing voluntarily from the United States.

A petition for the issuance of a nonquota immigrant visa, filed in his behalf by his wife, has been approved. However, the Department of State indicates his application for a visa would be denied as he made a false statement concerning his marital status in applying for his nonimmigrant visa on July 18, 1950. Mr. Ezrachi states that he made the false statement on the advice of a tourist agent to facilitate the issuance of the visa.

Mr. Ezrachi was a member of the Israelian Army from May 15, 1948 to May 15, 1949.

Senator Everett McKinley Dirksen, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES,
SLATTERY & GUTHMAN,
Washington, D. C., January 5, 1955.

In re Asher Ezrachi

Hon. EVERETT M. DIRKSEN,
United States Senate,
Washington, D. C.

DEAR SENATOR DIRKSEN: Your kind assistance in behalf of Asher Ezrachi, of 5220 South Harper Street, Chicago, Ill., in the matter of his immigration status difficulties, will be greatly appreciated.

Mr. Ezrachi was born in Poland approximately 42 years ago. About 21 years ago, Mr. Ezrachi left Poland for Israel. He resided in Israel up to the time of his departure for the United States in August of 1950. He arrived in the United States, at New York, N. Y., on August 29, 1950, as a visitor for pleasure under section 3 (2) of the Immigration Act of 1924.

The record will evidence that Mr. Ezrachi came to the United States (August 29, 1950) to visit relatives and to stay for several months, and thereafter to return to Israel. However, during his stay in the United States, Mr. Ezrachi, on or about May of 1951, met Estelle Robbin, an American-born young lady, and they were married on September 3, 1951. There are no children born of the marriage of Mr. and Mrs. Asher Ezrachi.

When Mr. Ezrachi applied for a visitor's visa at the American consulate in Tel Aviv, Israel, on July 18, 1950, he stated he was married, when in fact he was single, and among the documents submitted by him in support of his application was a letter from an alleged wife consenting to his visiting the United States.

Mr. Ezrachi testified that he had submitted the said incorrect statement as to his marital status to the American consulate, Tel Aviv, Israel, at the suggestion of a travel agent in Israel, who told him that the American consulate would not issue a visitor's visa to him if he (Asher Ezrachi) told him that he was single. Mr. Ezrachi testified also before the special inquiry officer of the United States Immigration and Naturalization Service that the travel agent prepared the letter from his alleged Israel wife which was submitted to the American consulate at Tel Aviv, Israel.

After a hearing herein before the Board of Immigration Appeals, United States Department of Justice, that body ruled that prior to his marriage to the aforementioned Estelle Robbin on September 3, 1951, Asher Ezrachi had never previously been married.

As regards the sequence of events in the instant case proper: preexamination was approved by the Immigration and Naturalization Service. Thereafter, a visa petition in behalf of her husband was filed by Estelle Ezrachi, wife of the alien, Asher Ezrachi. This petition was approved, thus granting the said Asher Ezrachi a nonquota status as the spouse of an American citizen. However, under date of October 28, 1954, the American consulate, Windsor, Ontario, Canada, issued a ruling that the incorrect statement of Asher Ezrachi regarding his marital status, made in his application for a nonimmigrant visa at the American consulate, Tel Aviv, Israel, constituted a willful misrepresentation of a material fact, and that consequently under the provisions of section 212 (a) (19) of the Immigration and Nationality Act, it (the American consulate) found that Mr. Ezrachi was ineligible to receive a visa. Accordingly, the Department of State has refused to rule favorably in behalf of my client.

As part of the findings of the special inquiry officer of the United States Immigration and Naturalization Service, dated July 8, 1954, the following was noted: * * * Accordingly, it is concluded that the misrepresentation as to his (Mr. Ezrachi's) marital status was not material and did not invalidate his visa * * *."

In addition to the above, the findings of the special inquiry officer included the following: "It is ordered, that the alien be granted voluntary departure at his own expense, in lieu of deportation, within such period of time * * * as the district director * * * shall direct. The additional privilege of preexamination is also authorized."

Section 103 (a) of the Immigration and Nationality Act of 1952, Public Law 414, 82d Congress, provides in part as follows:

"The Attorney General shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization

JOSEPH VYSKOCIL

Passport data

No. 3641–471–48 (now invalid).
Name: Ing. Josef Vyskocil.
Right of residence: Praha.
Place of residence: Patiala, India.
Occupation: Portrait painter.
Place and date of birth: Praha, March 19, 1895.
Date of issue: November 6, 1946.
This passport was issued like all previous passports since 1931, by the Czechoslovakian Consulate General in Bombay, signed by Dr. Lusk.

Certificate of identity

No. I.C./27579, dated April 10, 1950.
Issuing authority: Chief Commissioner, Delhi.
Valid for United States of America up to April 10, 1951.
Nonimmigration visa No. 219, dated April 11, 1950, issued by Consular Service, American Embassy, New Delhi.
Left India from Calcutta by air on April 21, 1950.
Arrived New York, April 23, 1950.
Admitted same day, after examination by special board, United States Department of Justice, Immigration and Naturalization Service, Ellis Island.
Nonimmigrant registration No. V–742775, for 3 months.
This permit was extended until November 23, 1950, in San Antonio.

Other data

Graduated civil engineer with honors in Prague, 1919.
Lived in England 1 year, 1921–22.
1922–27 visited and studied art in France, Italy, Spain, and Egypt.
Visited in United States of America 2½ years, 1927–29.
Arrived in India January 17, 1931, by car and lived there since, mostly in the Indian states, painting portraits for many prominent maharajas, viceroys, and other British personalities. Also made a series of etchings.
At the outbreak of World War II, volunteered for government service, and was for 8 months a member of Aliens Interrogation Committee, Intelligence Bureau, Home Department, Government of India, and remained at their disposal for the duration of the war.
Did not surrender my Czechoslovakian passport as officially requested in November 1949.
Applied for visitor's visa to United States of America and declared under oath on February 2, 1950, at the United States Embassy at New Delhi, that I do not recognize the present government in Czechoslovakia.

Senator Lyndon B. Johnson, the author of the instant bill, submitted the following letters in connection with the case:

KOPECKY CLINIC,
San Antonio 5, Tex., June 24, 1954.

HON. LYNDON B. JOHNSON,
Senator from Texas,
Senate Building, Washington, D. C.

DEAR SENATOR JOHNSON: I take the liberty of writing you on behalf of Mr. Joseph Vyskocil of this city who has applied for permission to remain in the United States permanently. This application was made several years ago. The House of Representatives has acted favorably on the application several months ago. I have just received the distressing information that the Senate committee into whose jurisdiction this matter falls has postponed action on the application indefinitely and that the local immigration officers have given Mr. Vyskocil until August 30, 1954, to get the matter settled or get out of the country. This means that the matter is urgent and the time is short.

Mr. Vyskocil is a native of Czechoslovakia who, previous to coming to the United States about 4 years ago, had been living in India for 20 years. He is an artist, a portrait painter, by profession. After the present Indian Government came into power and things became rather chaotic in that country, Mr. Vyskocil felt that he did not want to live there. He could not go back to Czechoslovakia because he is strongly anti-Communist in his views. So, he came to the United States with the hope of getting permission to remain permanently and, in due time, become a citizen of this country.

Mr. Vyskocil is a well educated, cultured man who speaks several languages, including good English. His political views and his social ideology are like yours or mine. In every way, he is well qualified to become a citizen of whom we might be justly proud and who would be an asset to any community he chooses for his home.

There is a humanitarian aspect to this case. Should permission to remain here permanently be denied this man, and should he be deported to Czechoslovakia, he is sure to face imprisonment, torture and, most likely, death. Our country has always offered refuge to decent, respectable people from other lands who sought to escape from political or religious persecution. I certainly hope that there will be no exception made in this case.

I, as well as the many friends Mr. Vyskocil has made here, sincerely hope that it will be possible for you to put forth efforts that may secure for him the permission that he is pleading for.

Sincerely yours,

JOE KOPECKY, M. D.

ST. MARY MAGDALEN'S RECTORY,
San Antonio, Tex., August 17, 1954.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

HONORABLE CHAIRMAN: This is in reference to H. R. 808 now waiting consideration by your committee. It is for the relief of Mr. Joseph Vyskocil, native of Czechoslovakia, seeking to become a citizen of the United States, above the quota figure.

Mr. Vyskocil, now nearly 60 years of age, is an artist—portraiture, etchings, music, etc.—who spent 19 years in India under the patronage of some of the potentates, until his arrival here about 5 years ago.

During the Second World War he assisted British officials in India in security work. After the Communists took over his own native Czechoslovakia, he repudiated their regime and refused to turn in his passport when all Czech citizens abroad were asked to turn them in for renewal, or, if not favorably disposed toward the Communists, for refusal, repatriation, and liquidation.

I have known Mr. Vyskocil almost since the time of his arrival here about 5 years ago. He is an honorable man. Despite the uncertainty of his status, he has asked for no help except in this matter of extending his stay here so that he can qualify for citizenship. He is a man of culture, having received a training in architectural engineering in his youth; besides Czech and English he speaks several languages fluently. His art work is of high quality, although he has been hampered by lack of mobility due to his being under close supervision all these years by the Bureau of Immigration and Naturalization. He would make an excellent art instructor at any level of education.

A free spirit, opposed to communism as he was to Nazism in its day, he is a peaceful man with no political ax to grind. He found the changing conditions in India too uncertain for the further pursuit of his talents. He asks only to enjoy the freedom and security of our Nation.

Only favorable action by the Judiciary Committee upon H. R. 808 stands between him and the goal of his honorable aspirations. I am writing this to appeal to you to act upon it before Congress adjourns.

Very sincerely,

RT. REV. JOHN L. MORKOVSKY,
Superintendent of Catholic Schools, Archdiocese of San Antonio.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1337), as amended, should be enacted.

○

General within the meaning of section 103 (a) of the Immigration and Nationality Act. In this connection, the Board of Immigration Appeals in a decision released December 30, 1954, summarized in the United States Law Week for January 11, 1955 (23 Law Week 2332), held that the decision of a special inquiry officer that a certain misrepresentation was not material was not a decision of the Attorney General within the meaning of section 103 (a) of the Immigration and Nationality Act.

The arguments set forth by Mr. Seymour S. Guthman in his letter to you of January 5, 1955, were duly considered by the Department in reaching the above-stated opinion.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 315), as amended, should be enacted.

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Calendar No. 672

84TH CONGRESS, 1st Session | SENATE | REPORT No. 667

UNIV. OF MICH.
JUL 7 1955
LAW LIBRARY

TERESA ALICE TOWNSEND

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1044]

The Committee on the Judiciary, to which was referred the bill (H. R. 1044) for the relief of Teresa Alice Townsend, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 6, strike the words "her admission" and insert in lieu thereof the words "the enactment of this Act".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Teresa Alice Townsend. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is a native of Canada and is, therefore, a nonquota immigrant. The bill has been amended to conform with the policy of the committee in granting residence to an alien as of the date of the enactment of the bill, rather than as of the date of last entry.

STATEMENT OF FACTS

The beneficiary of the bill is a 35-year-old native and citizen of Canada who last entered the United States on February 25, 1925, accompanied by her parents and her brother. They were all admitted as visitors. Her parents and her brother subsequently became citizens of the United States. In 1952, she made application for a certifi-

cate of derivative citizenship based upon her parents' naturalization while she was a minor. The claim was invalid inasmuch as there was no record of the beneficiary having been admitted for permanent residence. It subsequently developed that her parents had fraudulently obtained naturalization, having alleged continuous residence in this country since 1920, whereas they actually last arrived in the United States in 1925, as temporary visitors. On three occasions, subsequent to the filing of her application for a certificate of citizenship, the beneficiary made false claims to United States citizenship by birth in this country in applications for employment. In each instance, she was accepted for the position applied for, and in one instance United States citizenship was a prerequisite for such employment. However, the United States attorney declined to authorize prosecution. The beneficiary has been married and divorced twice, and has a United States citizen daughter.

A letter, with attached memorandum, dated April 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 6999, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

APRIL 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6999) for the relief of Teresa Alice Townsend, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

It is noted that the bill would grant the alien permanent residence in the United States, upon payment of the required visa fee, as of the date of her admission rather than as of the date of enactment.

As a native and citizen of Canada, the beneficiary would be eligible for a nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TERESA ALICE TOWNSEND, BENEFICIARY OF H. R. 6999

The beneficiary, Teresa Alice Townsend, also known as Teresa Alice Leonetti, who is divorced, is a native and citizen of Canada, born on November 18, 1920 She testified that she last entered the United States on February 25, 1925, at Niagara Falls, N. Y., accompanied by her parents, Rocco and Domenica Laviola, natives and citizens of Italy, and her brother Frank Laviola, a native and citizen of Canada, and that all were admitted as temporary visitors. Her parents and her brother subsequently became naturalized United States citizens.

On January 18, 1952, she made application to this Service for a certificate of derivative citizenship and based her claim to citizenship upon her parent's naturalization while she was a minor. Her claim to United States citizenship is invalid, however, since no record can be located of her admission to the United States for permanent residence during her minority.

On August 14, 1952, deportation proceedings were instituted against her on the charge that, at the time of her entry into the United States, she was an immigrant not in possession of a valid immigration visa. On June 3, 1953, after a hearing, it was ordered that she be granted the privilege of voluntary departure from the United States. On August 11, 1953, the Board of Immigration Appeals dismissed her appeal from that decision. She has failed to depart pursuant to that order.

The beneficiary has been married twice. She first married Joseph Leonetti, a native born United States citizen, on July 4, 1941, at Rochester, N. Y. This

marriage was terminated by divorce at Los Angeles, Calif., on April 29, 1947. Her second marriage was on July 8, 1951, at Las Vegas, Nev., to Paul T. Townsend, also a native born United States citizen. She has since obtained an interlocutory decree of divorce from Mr. Townsend. She has one child, Doris Mae Leonetti, who was born on June 22, 1942, at Rochester, N. Y.

Mrs. Townsend obtained a high-school education at Rochester, N. Y. She has been employed almost continuously since 1945 as an office worker in the Los Angeles, Calif., area but is now temporarily unemployed. She resides with her daughter and her mother at 1074 Spazier Avenue, Glendale, Calif. She is self-supporting and has no assets other than personal effects. Her first husband contributes $40 per month toward the support of their child.

It now appears that her parents fraudulently obtained naturalization in the Supreme Court of New York at Rochester in that their petitions alleged continuous residence in the United States since 1920, whereas in fact the petitioners had resided in Canada from 1920 until they came to the United States in 1925 as temporary visitors, accompanied by the beneficiary.

On three occasions, subsequent to the filing, with this Service, of her application for a certificate of citizenship which was supported by a Canadian birth certificate, Mrs. Townsend made false claims to United States citizenship by birth at Rochester, N. Y., in applications for employment. In each instance her application was approved and she accepted the position applied for. In one instance United States citizenship was a prerequisite for such employment.

A report of that criminal violation of law by the beneficiary was submitted to the United States attorney at Los Angeles who declined to authorize prosecution.

Congressman Carl Hinshaw, the author of the bill, wrote to the chairman of the Committee on the Judiciary of the House of Representatives on March 21, 1955, as follows in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 21, 1955

Re H. R. 4044, Teresa Alice Townsend

CHAIRMAN, JUDICIARY COMMITTEE,
House of Representatives.

MY DEAR MR. CHAIRMAN: I wish to offer the following statement regarding the above legislation, which I understand is receiving consideration at the present time by your committee:

The parents of the beneficiary of this bill, Italian immigrants, were admitted for permanent residence at New York, N. Y., on February 9, 1920, and subsequent investigation develops that they proceeded thence directly to Canada and the subject beneficiary was born in Canada November 18, 1920. She entered the United States as an infant (age 4 years 3 months) upon the reentry of her parents on February 25, 1925, but apparently no record was made of the subject beneficiary's entry. Upon the naturalization of her parents, they gave the birthplace of the subject beneficiary as Rochester, N. Y., and of course, being an infant, she had no occasion either to know or to challenge the statement of her parents.

However, in accordance with the law, subject beneficiary has no claim to United States citizenship as she apparently has not been lawfully admitted to the United States for permanent residence although many Canadian-born persons are in the same circumstances.

The subject beneficiary has lived in the United States continuously since she came to this country at the age of 4 years and 3 months and she is now 34 years old. She was married twice, each time to an American citizen. She has a daughter, 11 years old, by her first husband, from whom she is divorced; and her second husband, from whom she is also divorced is incarcerated in McNeil Island Penitentiary pursuant to his conviction for auto theft.

At her deportation hearings, she was not represented by counsel. The special inquiry officer found that she is not culpable for the manner of her entry into the United States. She has never been arrested or charged with a violation of law and is in no way connected with any subversive organization. Every factor sustains her good reputation, integrity and her attempts to attain a decent and honorable living for herself and minor daughter. She has also testified that any absence from her present employment would certainly result in her discharge.

I feel that this is a highly meritorious case, and certainly hope that you will see fit to give it favorable consideration.

Sincerely yours,

CARL HINSHAW, M. C.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1044), as amended, should be enacted.

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Calendar No. 673

84TH CONGRESS, 1st Session | SENATE | REPORT No. 668

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SOLOMON WIESEL

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1155]

The Committee on the Judiciary, to which was referred the bill (H. R. 1155) for the relief of Solomon Wiesel having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Solomon Wiesel. The bill provides for the payment of the required visa fee. The bill has been amended to delete the appropriate quota charge inasmuch as the Commissioner of Immigration and Naturalization states that the alien was charged to the appropriate quota when he arrived in the United States in possession of an immigration visa.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native of Rumania, who claims to be stateless at the present time. He last entered the United States on November 22, 1950, at which time he was admitted as a returning resident. The beneficiary first entered the United States on November 30, 1949, at which time he was admitted for permanent residence as a displaced person. He thereafter obtained a reentry permit based on his previous lawful entry for permanent residence.

However, investigation disclosed that the beneficiary was not eligible for the issuance of an immigration visa as a displaced person in 1949, and that this visa was procured by fraud. In 1942, the beneficiary was taken into the Hungarian Army and he was captured by the Russians in 1943. Thereafter, he served in the Rumanian Russian Volunteer Army and in September 1945, he returned to Rumania, where he remained until 1948. From March 1948 to September 1948, he traveled through Hungary, Czechoslovakia, and Germany where he remained until sailing for the United States in 1949. The beneficiary made false statements to the American consul concerning his residence in Germany in order to qualify as a displaced person. The beneficiary was indicted in 1952 for violation of the Displaced Persons Act, but the indictment has been dismissed. The beneficiary is employed as a butcher and has a one-half interest in a meat and poultry market.

A letter, with attached memorandum, dated December 31, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 5163, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 31, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5163) for the relief of Solomon Wiesel, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

It should be noted the alien was in possession of an immigration visa at the time of arrival and that he was charged to the appropriate quota. However, as a displaced person under Public Law 774, he was exempt from the visa fee. It is, accordingly, suggested that the committee may wish to amend the bill by deleting the portion which makes reference to deducting one number from the appropriate immigration quota.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SOLOMON WIESEL, BENEFICIARY OF H. R. 5163

Solomon Wiesel was born on September 10, 1927, in Sighet, Rumania. He was last a citizen of Rumania, but claims he is now stateless. He first entered the United States on November 30, 1949, at which time he was admitted for permanent residence as a displaced person pursuant to Public Law 774. He obtained a reentry permit and visited Germany from August 25, 1950, to November 22, 1950. Upon his return to the United States he was admitted as a returning resident. His reentry permit was based upon his previous lawful entry for permanent residence. Investigation disclosed he was not eligible for the issuance of an immigration visa as a displaced person in 1949, and that this visa was procured by fraud. Deportation proceedings were instituted and he has been found to be deportable from the United States on the ground that at the time of entry he was an immigrant not in possession of a valid immigration visa. A warrant of deportation is outstanding in his case.

Mr. Wiesel had 8 years' schooling in Rumania. In 1942, he was taken into the Hungarian Army and was captured by the Russians on January 24, 1943. Thereafter he served in the Rumanian Russian Volunteer Army. In September 1945

he returned to his home in Sighet, Rumania, where he remained until March 1948. From March 1948 to September 1948, he traveled through Hungary, Czechoslovakia, and Germany. He stayed in Munich, Germany, until he sailed for the United States in November 1949. He was a cattle dealer before coming to the United States.

Mr. Wiesel is unmarried. There is no one dependent upon him for support. His only relatives in the United States are one sister and an uncle, who are United States citizens. His parents are deceased. He is now a butcher and has a one-half nterest in a meat and poultry market, which market is valued at about $4,000.

His income from the business is approximately $100 a week. He also has about $2,500 in cash.

Criminal prosecution proceedings have been instituted against the beneficiary on the ground that he had not resided in Germany as claimed and had made false statements as to residence to the American consul in order to qualify as a displaced person and obtain an immigration visa. He was indicted by the grand jury of the United States district court, Philadelphia, Pa., during the September 1952 term, for violation of the Displaced Persons Act of 1948. Decision has not yet been rendered in the case.

Congressman Karl C. King, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in support of the bill:

GETZ, PERKIN & TWINING,
Allentown, Pa., January 15, 1954.

Re Solomon Wiesel, 532 North Second Street, Allentown, Pa. A bill for the relief of Solomon Wiesel, H. R. 5163, introduced May 12, 1953, by Hon. Karl C. King, Eighth District of Pennsylvania.

Hon. CHAUNCEY W. REED,
Chairman, House Judiciary Committee,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN REED: Representatives of the Ministers' League of All Faiths in the city of Allentown have expressed sympathy for the plight of one Solomon Wiesel, who has been ordered deported because of false statements he allegedly made as to his residence in Germany in order to obtain an immigration visa for entry into the United States.

Since December of 1950, Mr. Wiesel has conducted a butchershop in this city with his partner, Sol Alexander. His neighbors and associates know him to be a hard-working honest man. He had made many friends and many people and organizations have interested themselves in his behalf. At the request of a number of these people and organizations, I have consented to act as his lawyer, with the express understanding that I be permitted to serve without payment of any legal fees. I consider this one way of repaying a debt I owe to this country for making it possible for me to be a native-born United States citizen (my late father came to this country from Russia at the age of 17 years).

There is presently pending in the United States District Court for the Eastern District of Pennsylvania a criminal indictment against Solomon Wiesel for "making false statements in an application for immigration visa and alien registration required by the immigration laws and regulations of the United States of America." When arraigned, on the advice of his counsel he entered a plea of "not guilty" for the reason that, in the opinion of counsel, the averments in the indictment as to jurisdiction and acts charged could not be established. It is the opinion of counsel that a nol pros should be entered prior to trial, or failing in that, if the matter be tried, a judgment of acquittal be entered as a matter of law in favor of the defendant.

I am enclosing a copy of the letter dated May 13, 1953, which the Ministers' League of Allentown sent to its members, which explains the facts relating to the situation of Solomon Wiesel. At the meeting the Ministers' League of Allentown unanimously adopted the following resolution:

"Whereas we find, upon investigation, that the case of Solomon Wiesel is worthy of public help so that there might not be a miscarriage of justice: Therefore be it

"*Resolved* (1), That the Ministers' League of Allentown and vicinity express its thanks to Congressman Karl C. King, Eighth District of Pennsylvania, for introducing a bill into the Congress in behalf of Solomon Wiesel, to the intent that he might be granted permanent residence in the United States; and be it

"*Resolved* (2), That we request the Judiciary Committee to approve the bill, and that we request the House of Representatives and the Senate of the United

States to pass this bill which seeks to grant permanent residence and to make possible eventual United States citizenship for Solomon Wiesel; and be it further "*Resolved* (3), That we seek to secure the support and cooperation of other like-minded groups and individuals to this end."

It is respectfully requested that you give your support to this bill to the end that it be referred out of committee for submission to the House of Representatives and Senate of the United States for passage.

It is respectfully requested that I be notified of the time and place for the hearing upon this bill, and that I be permitted to attend with my client, Mr. Solomon Wiesel, and be heard.

Sincerely yours,

MORRIS PERKIN.

THE MINISTERS' LEAGUE OF ALLENTOWN AND VICINITY,
Allentown, Pa., May 13, 1953.

DEAR MEMBER: The regular meeting of our league will be held this coming Monday, May 18, at 10 a. m., in the Salvation Army Citadel, 144 North Eighth Street, Allentown, Pa. Devotions will be conducted by the Reverend J. Lloyd Sandt. The topic to be presented at 11 a. m. will be "The Church's Ministry of Music." The speaker will be Prof. Wilbur W. Hollman, M. Sac. Mus., Cedar Crest College. Please make every effort to be present promptly at 10 a. m.

The special committee on a personal immigration question (The Reverend Reuben D. Bollmann and the Reverend Walter S. Boyer) respectfully urge you to consider carefully and prayerfully the following matters to be presented for your approval during the 10:15 a. m. business session:

These are the facts relating to Solomon Wiesel as we have learned them.

He was born in Siget, Romania, September 10, 1917. Before the First World War, this village was a part of Hungary. It belonged to Romania after the war and until 1940, when the Nazi government returned it to Hungary as a part of Transylvania in 1940. He was forced to serve in a labor camp in 1942 attached to the Hungarian Army until January 24, 1943, when the Hungarian soldiers, including Wiesel, were taken to the front lines in Russia to work in labor camps with the German Army. On January 24, 1943, after the Russians beat back the Nazis, he was captured as a prisoner by the Russians. On a 4-week march his group of some 34,000 prisoners with the sick and tired shot down by the Russians and left to die, was cut down to 3,000. He served in a Russian prison camp and eventually was placed into a Romanian division of the Russian Army, where he served until May 9, 1945, when his division was returned to Romania. On his discharge from the Army in September of 1945, he returned to his home in Siget.

Of his family, only he remained. His father, who had been president of the synogogue for 18 years, and the beloved leader of the Jewish community was forced against his will to enforce the Nazi anti-Jewish decrees including edicts ordering him and friends to return to countries of family origin. He died of a heart attack. He learned that his wife and baby girl, whom he had never seen, had been carried off by the Germans together with his sister, her husband, and child, to die in the gas chambers of the concentration camp of Auchschurtz. His brother had been shot by the German soldiers when a foot injury prevented him from traveling as fast as the retreating German Army.

Because he had served in the Russian Army, Wiesel was placed in charge of purchasing cattle, and the Russians hounded him to swing the farmers over to communism, which he hated as much as the nazism. Because he refused to join the Communist Party or contribute to it or to proselyte for it, he was threatened by the Communists. Fearful for his life, he fled in March of 1948, and without passport, he stole across the border into Hungary, where he hid until June. Then, again without passport and papers, he escaped to Czechslovakia, where he lived until September of 1948, when he managed to cross into Germany. From September 1948 until he left for the United States in 1949, he resided in Munich.

During all this period following his escape from Romania in March of 1948, he lived in fear of being discovered and sent back to Russian controlled Romania, for he had no legal passport or papers and his stay in Hungary, then Czechoslovakia and finally Germany, was therefore illegal. His only hope was to find a haven in in United States.

Wiesel was advised in Munich that if he had lived in Germany since 1945, he would be eligible for a visa under the United States Displaced Persons Act, sympathetic friends procured a certificate from the chief of police of Muehldorf, Germany, stating that Solomon Wiesel resided in Muehldorf from January 1945

to June of 1949, and thereupon he was granted a visa on or about October 26, 1949, and arrived in the United States as a displaced person on November 30, 1949. Shortly after the issuance of the visa, the displaced persons law was changed and then under the new provisions Wiesel could have legitimately obtained a visa based on his actual residence in Germany on or before January 1, 1949.

For a year he was employed as a butcher in and about New York, and in December of 1950, in response to an advertisement, he came to Allentown to take a job in the butchershop he now owns with his partner, Sol Alexander, at 532 North Second Street. He resides at 231 Liberty Street and enjoys an excellent reputation as a hard-working, honest man.

Wiesel was interrogated by the Immigration Service inspector at Philadelphia in the spring of 1952, with reference to his residence in Muehldorf and he readily admitted that he had not resided there as stated in the certificate issued by the police chief. Accordingly, a warrant was issued for his arrest and after a hearing on deportation proceedings at the Philadelphia district office, on October 14, 1952, an order was entered ordering deportation on the basis of not having a valid immigration visa.

The immigration laws provide no remedial relief in situations of this kind and the attorney General is granted no discretionary powers. Through the United Service for New Americans, a brief on appeal was submitted to the Board of Immigration Appeals, requesting the privilege of voluntary departure in lieu of deportation, on the basis of Wiesel's excellent adjustment in this country, his valid fear of persecution if he were returned to Germany and from there to Russian controlled Rumania, and his expectation of being able to secure a visa for Canada, where he has a brother.

On March 11, 1953, the appeal was dismissed by the Board of Immigration Appeals and voluntary departure without order of deportation was refused.

Indictment cannot be proved.

But there is no further appeal from the deportation order. His only hope is for Congress to pass a private bill enabling Mr. Wiesel to remain in this country. The mere introduction of such a bill would serve to stay deportation, if the subcommittee on Immigration of the Judiciary notifies the central office of the Immigration and Naturalization Service.

Your committee recommends the following:

The case of Solomon Wiesel deserves our sympathetic consideration. Although his wrong in permitting a false certification on the advice of well-meaning, but ill-informed friends should not be condoned, it should be considered in the light of the circumstances. Wiesel was entrapped. He had to escape or face death. He had already lost a father, a wife, and child, a sister, a brother, and brother-in-law. He wanted to survive. He took the only avenue he thought existed for him.

Moreover we should resolve to petition Congressman Karl King and to request other individuals and groups to join in such petition to introduce a special act of Congress to do any and all things necessary to permit Solomon Wiesel to remain in this country and be eligible for United States citizenship.

Please come and be prepared to vote on this and other matters of business.

In addition, Congressman King submitted to the Senate Committee on the Judiciary the following letter dated July 13, 1954, from the Commissioner of Immigration and Naturalization concerning the case:

JULY 13, 1954.

Hon. Karl C. King,
House of Representatives,
Washington, D. C.

MY DEAR MR. KING: Reference is made to our letter dated June 28, 1954, concerning the deportation case of Mr. Solomon Wiesel.

The records of this Service show that after a hearing before an officer of this Service, Mr. Wiesel was ordered deported on October 14, 1952, on the charge that at the time of his last entry he was an immigrant not in possesion of a valid immigrant visa. An appeal from this decision by Mr. Wiesel was dismissed by the Board of Immigration Appeals on March 11, 1953. Consequently, the order of deportation for Mr. Wiesel became final and this Service has no alternative but to proceed with deportation when practicable

During the warrant proceedings by this Service Mr. Wiesel admitted that he made and presented false statements in connection with his application for an immigrant visa. This information was furnished to the Department of State which has jurisdiction over the issuance of immigrant visas, and as a result criminal proceedings were instituted by the United States district attorney at Philadelphia, Pa. The criminal prosecution was entirely separate and apart from the proceedings by this Service and the dismissal of the indictment in this case does not have any effect upon the order of deportation.

On June 3, 1953, the district director of this Service at Philadelphia, Pa., was directed not to enforce the departure of Mr. Wiesel from the United States pending Congressional action on H. R. 5163.

The newspaper clippings which accompanied your letter are returned.

Sincerely,

———— ————, *Commissioner.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1155), as amended, should be enacted.

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Calendar No. 674

84TH CONGRESS
1st Session

SENATE

REPORT
No. 669

JEAN-MARIE NEWELL

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3074]

The Committee on the Judiciary, to which was referred the bill (H. R. 3074) for the relief of Jean-Marie Newell, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon" strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Jean-Marie Newell. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota deduction inasmuch as the alien minor children of United States citizens are normally entitled to the status of nonquota immigrants.

STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native and citizen of Japan who last entered the United States on March 4, 1951, with Mrs. Frances M. Newell, a United States citizen and the wife of George G. Newell, also a United States citizen who was then a member of the United States Navy. The beneficiary was detained as an immigrant not in possession of the necessary documents and was paroled to Mrs. Newell. The child has since been adopted by the Newell family.

A letter dated May 14, 1951, to the then chiarman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to a bill which passed the Senate during the 82d Congress, reads as follows:

MAY 14, 1951.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 580) for the relief of Jean Marie Newell, an alien.

The bill would provide that solely for the purposes of section 4 (a) and section 9 of the Immigration Act of 1924, and notwithstanding any provisions excluding from admission to the United States persons of races ineligible to citizenship, Jean Marie Newell, a minor Japanese child, shall be considered the alien natural-born child of George G. Newell and his wife, Frances M. Newell, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child, whose Japanese name is Hideo Shiba, was born in Japan on October 1, 1946, of a Japanese mother and a white father whose identity is unknown, but who is presumed to be a member of the United States Armed Forces. He entered the United States at the port of Honolulu, T. H., on March 4, 1951, with Mrs. Frances M. Newell, wife of George G. Newell, an enlisted member of the United States Navy. The child was detained, however, as an alien immigrant not in possession of the necessary documents. On March 7, 1951, he was permitted to proceed to San Francisco and was paroled to Mrs. Newell. At the board of special inquiry hearing held on March 12, 1951, it was decided to defer the hearing pending receipt of information concerning the status of the instant bill.

The files further reflect that Mrs. Newell was born in Ohio and Mr. Newell in Massachusetts. Mrs. Newell stated that the child's natural mother had placed it in an orphanage in Japan and that she and her husband had originally planned to adopt him because they had no children of their own. While they are now expecting a child of their own, they have grown fond of the alien child and intend to adopt him under Massachusetts laws. According to Mr. Asa Newell, Mr. Newell's brother in Quincy, Mass., Mr. George Newell has been with the United States Navy for about 9 years, has just reenlisted for 4 years more, and has a rating of first-class petty officer.

Since the alien child is one-half Japanese, he is racially ineligible to citizenship under section 303 of the Nationality Act of 1940, and is, therefore, inadmissible to the United States under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation he cannot be permitted to remain in this country.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If this measure should receive favorable consideration by the committee, however, it is suggested that it be amended by deleting all after the enacting clause and substituting the following:

"That, for the purposes of the immigration and naturalization laws, Jean Marie Newell shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

Yours sincerely,

PEYTON FORD, *Deputy Attorney General.*

Congressman John F. Shelley, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following documents concerning the beneficiary of the bill:

AFFIDAVIT

Mrs. William McAleer, residing at 234 Harbor Road, city and county of San Francisco, State of California, being first duly sworn, deposes and says:

That I have known George C. Newell and Frances Mae Newell, his wife, for a period of 3 years; that I know them to be persons of good character; that I know that they adopted Jean-Marie Newell and from personal observation attest that they are excellent parents.

MRS. WILLIAM MCALEER.

Subscribed and sworn to before me this 20th day of May 1953.

WILLIAM S. SOLARI, Jr., *Notary Public.*

My commission expires September 30, 1956.

AFFIDAVIT

Sam Novello, residing at 1189 Sanchez Street, city and county of San Francisco, State of California, being first duly sworn, deposes and says:

That I have known George J. Newell and Frances Mae Newell, his wife, for a period of 7 years; that I know them to be persons of good character; that I know that they have adopted Jean-Marie Newell and from personal observation attest that they are excellent parents.

SAM NOVELLO.

Subscribed and sworn to before me this 20th day of May 1953.

WILLIAM S. SOLARI, Jr., *Notary Public.*

My commission expires September 30, 1956.

STATEMENT OF THE CASE

The adopted parents of Jean-Marie Newell, namely, George G. Newell and Frances Mae Newell, his wife, are petitioning for his citizenship. They obtained this child from an orphanage in Yokohama, Japan, on October 15, 1950, while George G. Newell was stationed with the Navy at the Yokusuka Naval Base near Yokohama.

George Newell, a native of Massachusetts, wrote to Senator Henry C. Lodge, asking for assistance to bring Jean-Marie to America. In time the Senator sent them a copy of a bill he had introduced in the Senate to make Jean's entry possible.

In March 1951 Mrs. Newell flew back to the United States. As her orders read, "Mrs. Frances M. Newell and Jean M. Newell (age 4), dependent wife and son of George G. Newell, DC–1," she and Jean had no trouble boarding the plane. On arriving in San Francisco it was discovered that Jean had no visitor's entry permit, no immigration permit under the quota system, no question of political asylum, nothing. Inasmuch as his case was before the Senate, however, immigration authorities paroled him in Mrs. Newell's custody pending the outcome of the Senate action.

In June 1951, adoption proceedings were begun and in June 1952 he became the legal son of Mr. and Mrs. Newell.

On April 21, 1953, Congressman John F. Shelley, 5th District, California, introduced a bill for the relief of Jean-Marie Newell, H. R. 4761, action on which is still pending.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3074), as amended, should be enacted.

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Calendar No. 675

84TH CONGRESS, 1st Session } SENATE { REPORT No. 670

ASHER EZRACHI

JUNE 27, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[[To accompany S. 315]

The Committee on the Judiciary, to which was referred the bill (S. 315) for the relief of Asher Ezrachi, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 3 following the word "of", insert the following: section 212 (a) (9) and.

2. In lines 7 and 8, change the words "this exemption" to "these exemptions".

3. In line 8 change the words "a ground" to the word "grounds".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who has obtained a visa by fraud or who may have admitted the commission of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 42-year-old native of Poland and citizen of Israel who entered the United States as a visitor August 29, 1950. At the time he obtained his visitor's visa, he made fraudulent statements concerning his marital status on the advice of a tourist agent to facilitate the issuance of the visa. The year following his

arrival in the United States he married a native-born citizen of the United States and they now reside in Chicago, Ill. The beneficiary has two sisters, a brother and a number of aunts and uncles residing in the United States.

The alien has been granted the privilege of voluntary departure and preexamination, but without the waivers provided for in the bill, he will be unable to avail himself of that administrative remedy for adjustment of his immigration status because he will be ineligible for a nonquota immigrant visa. His citizen wife resides in this country and is under constant medical care.

A letter, with attached memorandum, dated May 6, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 6, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 315) for the relief of Asher Ezrachi, there is attached a memorandum of information concerning the beneficiary which has been prepared from the files of the Immigration and Naturalization Service.

The bill would permit the beneficiary to be admitted to the United States, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa by fraud or by willfully misrepresenting a material fact. It should be noted that the beneficiary may also require a waiver of the provision of section 212 (a) (9) of the Immigration and Nationality Act, as an alien who admits the commission of a crime involving moral turpitude—perjury.

As the husband of a United States citizen, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ASHER EZRACHI, BENEFICIARY OF S. 315

Asher Ezrachi, also known as Osher Mieszczanin, was born in Drochiczyn, Poland, May 4, 1913.

Mr. Ezrachi married a native-born citizen of the United States at Chicago, Ill., September 3, 1951. They reside at 5220 South Harper Avenue, Chicago, Ill. Mr. Ezrachi completed about 7 years' grammar school in Poland. He started to learn carpentry in Poland and is now employed as a carpenter at a salary of $128 per week. He has a savings account of $1,300 and other assets valued at $1,500. His wife has $1,000 in United States savings bonds.

The beneficiary has two sisters, a brother, and a number of aunts and uncles, residing in the United States.

Mr. Ezrachi entered the United States as a temporary visitor August 29, 1950. He was granted extensions of stay to November 8, 1951. As he failed to maintain his visitor's status, deportation proceedings were instituted against him. He has been found deportable and has been granted the privilege of departing voluntarily from the United States.

A petition for the issuance of a nonquota immigrant visa, filed in his behalf by his wife, has been approved. However, the Department of State indicates his application for a visa would be denied as he made a false statement concerning his marital status in applying for his nonimmigrant visa on July 18, 1950. Mr. Ezrachi states that he made the false statement on the advice of a tourist agent to facilitate the issuance of the visa.

Mr. Ezrachi was a member of the Israelian Army from May 15, 1948 to May 15, 1949.

Senator Everett McKinley Dirksen, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES,
SLATTERY & GUTHMAN,
Washington, D. C., January 5, 1955.

In re Asher Ezrachi

Hon. EVERETT M. DIRKSEN,
United States Senate,
Washington, D. C.

DEAR SENATOR DIRKSEN: Your kind assistance in behalf of Asher Ezrachi, of 5220 South Harper Street, Chicago, Ill., in the matter of his immigration status difficulties, will be greatly appreciated.

Mr. Ezrachi was born in Poland approximately 42 years ago. About 21 years ago, Mr. Ezrachi left Poland for Israel. He resided in Israel up to the time of his departure for the United States in August of 1950. He arrived in the United States, at New York, N. Y., on August 29, 1950, as a visitor for pleasure under section 3 (2) of the Immigration Act of 1924.

The record will evidence that Mr. Ezrachi came to the United States (August 29, 1950) to visit relatives and to stay for several months, and thereafter to return to Israel. However, during his stay in the United States, Mr. Ezrachi, on or about May of 1951, met Estelle Robbin, an American-born young lady, and they were married on September 3, 1951. There are no children born of the marriage of Mr. and Mrs. Asher Ezrachi.

When Mr. Ezrachi applied for a visitor's visa at the American consulate in Tel Aviv, Israel, on July 18, 1950, he stated he was married, when in fact he was single, and among the documents submitted by him in support of his application was a letter from an alleged wife consenting to his visiting the United States.

Mr. Ezrachi testified that he had submitted the said incorrect statement as to his marital status to the American consulate, Tel Aviv, Israel, at the suggestion of a travel agent in Israel, who told him that the American consulate would not issue a visitor's visa to him if he (Asher Ezrachi) told him that he was single. Mr. Ezrachi testified also before the special inquiry officer of the United States Immigration and Naturalization Service that the travel agent prepared the letter from his alleged Israel wife which was submitted to the American consulate at Tel Aviv, Israel.

After a hearing herein before the Board of Immigration Appeals, United States Department of Justice, that body ruled that prior to his marriage to the aforementioned Estelle Robbin on September 3, 1951, Asher Ezrachi had never previously been married.

As regards the sequence of events in the instant case proper: preexamination was approved by the Immigration and Naturalization Service. Thereafter, a visa petition in behalf of her husband was filed by Estelle Ezrachi, wife of the alien, Asher Ezrachi. This petition was approved, thus granting the said Asher Ezrachi a nonquota status as the spouse of an American citizen. However, under date of October 28, 1954, the American consulate, Windsor, Ontario, Canada, issued a ruling that the incorrect statement of Asher Ezrachi regarding his marital status, made in his application for a nonimmigrant visa at the American consulate, Tel Aviv, Israel, constituted a willful misrepresentation of a material fact, and that consequently under the provisions of section 212 (a) (19) of the Immigration and Nationality Act, it (the American consulate) found that Mr. Ezrachi was ineligible to receive a visa. Accordingly, the Department of State has refused to rule favorably in behalf of my client.

As part of the findings of the special inquiry officer of the United States Immigration and Naturalization Service, dated July 8, 1954, the following was noted: * * * Accordingly, it is concluded that the misrepresentation as to his (Mr. Ezrachi's) marital status was not material and did not invalidate his visa * * *."

In addition to the above, the findings of the special inquiry officer included the following: "It is ordered, that the alien be granted voluntary departure at his own expense, in lieu of deportation, within such period of time * * * as the district director * * * shall direct. The additional privilege of preexamination is also authorized."

Section 103 (a) of the Immigration and Nationality Act of 1952, Public Law 414, 82d Congress, provides in part as follows:

"The Attorney General shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization

of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: *Provided, however,* That determination and ruling by the Attorney General with respect to all questions of law shall be controlling."

Since the Immigration and Naturalization Service, through its authorized officer, acting under proper and empowered delegated authority, has ruled that the alleged misrepresentation made by Asher Ezrachi was not material, and further, since this ruling relates to a matter of law, it is our contention that the Department of State and its consular officers, pursuant to the Nationality Act of 1952 must also find that as a matter of law the said alleged misrepresentation of the alien was not material. In other words, it is our position that the legal ruling of the Immigration and Naturalization Service of July 8, 1954, hereinabove noted, is binding not only on the Immigration and Naturalization Service, Department of Justice, but on the consular officers as well.

In further support of this argument, we respectfully direct your attention to the following cases: *U. S. ex rel. Trin er* v. *Chrust* (166 Fed. (2d) 457); *U. S. ex rel. Katnic* v. *Reimer* (25 Fed. Supp. 925); *United States of America ex rel. Joseph Accardi, petitioner* v. *Edward J. Shaughnessy, District Director* (347 U. S. 260).

And as is clearly set forth in section 101 (b) (4) of Public Law 414 of the 82d Congress, a "special inquiry officer" of the Immigration and Naturalization Service of the Department of Justice" * * * is designated and selected by the Attorney General * * * to conduct such proceeding * * * and shall perform such duties, not inconsistent with this act, as the Attorney General shall prescribe."

It is thus evident that the special inquiry officers and the members of the Board of Immigration Appeals of the Department of Justice perform their prescribed duties under a mandate of the Attorney General of the United States. And so, when they rule in a given case, it is as though the Attorney General of the United States has ruled in the said case. Thus, in the instant case of Asher Ezrachi, we contend that the ruling made in his favor by the special inquiry officer is tantamount to the ruling made by the Attorney General of the United States in his favor. And as such, the said ruling is binding not only on the Immigration and Naturalization Service of the Department of Justice but on the Department of State and its consular officers as well.

Hereinbelow we set forth additional legal citations which evidence that the Attorney General of the United States, or any other qualified Cabinet officer of the executive branch of our Government, can delegate certain of his official duties to his subordinates, and that in such cases, action by these subordinate officials in pursuing and carrying out these delegated powers has the same force and legal effect as if the Attorney General of the United States himself, or as the case may be, any of the other Cabinet members had carried out and effectuated the said acts:

United States ex rel. Karpathieu v. *Jordan*, (C. C. A. Feb. 18, 1946, 153 Fed. Rep. (2d) 810);
Lloyd Royal Belge S. A. v. *Elting* (61 Fed. Rep. (2d) 745);
Plapno Laboratories, Inc., v. *Farley* (92 Fed. Rep. (2d) 228);
United States ex rel. Karpathieu v. *Jordan* (C. C. A., Feb. 18, 1946, 153 Fed. Rep. (2d) 810);
Lloyd Royal Belge S. A. v. *Elting* (61 Fed. Rep. (2d) 745);
Plapno Laboratories, Inc., v. *Farley* (92 Fed. Rep. (2d) 228);
May v. *United States* (236 Fed. Rep. 495).

Notwithstanding all the above, the Department of State has refused to accept the legal interpretations we have presented to them, namely, that they are bound by the determination of the special inquiry officer as hereinabove recited. And since the Department of State has refused to recommend to the American consulate at Windsor, Ontario, Canada, that a visa be issued to the aforesaid Asher Ezrachi, the said consulate has stated that it will not issue a visa to Asher Ezrachi. Accordingly, in light of the above, Mr. Ezrachi will be forced to leave the United States on or about January 28, 1955, pursuant to an outstanding order issued by the Immigration and Naturalization Service of the Department of Justice.

My client's wife, Estelle Ezrachi, American-born citizen, has a very serious kidney ailment. This has already necessitated the removal of one of her kidneys, and she is required to take daily medication and to have regular medical attention in order to prevent the formation of kidney stones.

The Government's record in this case will evidence that the misrepresentation of Asher Ezrachi as noted above is the only blot on his otherwise excellent record of conduct.

In light of all the circumstances in this case as well as the conflict in interpretation of section 103 (a) of the Nationality Act of 1952 between the Department of Justice and the Department of State, and in view further of all the equities herein, we respectfully request that a private relief bill be introduced in the Senate of the United States on behalf of Asher Ezrachi, to permit the eventual issuance of a visa for permanent residence in the United States so that he can care for his sick wife and prove to all concerned that he is a worthwhile person, one who should be accorded the privilege of American citizenship.

Respectfully,

SEYMOUR S. GUTHMAN.

CHICAGO, ILL., *January 21, 1955.*

To Whom It May Concern:

This is to certify that Mrs. Estelle Ezrachi, of 5220 South Harper, Chicago, Ill., is still under my care.

She is suffering from cystinuria, which is a hereditary disease manifested by formation of kidney stones and consequent destruction of the kidneys if the stones are permitted to form. She previously had her left kidney removed and a right nephrotomy.

To prevent the formation of the stones it is necessary for her to ingest large amounts of alkalies and to check her urine at weekly intervals to adjust the dosage. She has been on this management since 1951 and in spite of this has had a recent renal colic. It is also contemplated that she will require sterilization since pregnacy in this condition would be serious. It is important for Mrs. Ezrachi to be under constant medical supervision in order to prevent the remaining kidney from being destroyed by the recurrence of stones.

IRVING H. ZITMAN, M. D.

CHICAGO, ILL., *January 24, 1955.*

To Whom It May Concern:

Mrs. Estelle Ezrachi (nee Robbin) has been under our care since July 18, 1950. She has had a long-standing history of respiratory allergy since the age of 12 years, suffering severe pollinosis and asthma which persists almost the entire year. She has been repeatedly skin tested and found sensitive to many inhalants as well as ingestant factors. These include ragweed, grass pollen, tree pollen, mixed fungi, beans, spinach, cabbage, tomato, barley, pork, turkey, apple, orange, lobster, codfish, salmon, and whitefish.

She has been under constant hyposensitization treatment for the past 5 years despite which she suffers frequent acute episodes of severe bronchial asthma and pollinosis. She is physically unable to hold a position because of the severity of her allergic state. Because of the intensity of the allergic illness, and the frequency of her spells, she is oftimes forced to remain in bed at home, requiring nursing attention on these occasions.

Respectfully yours,

A. L. AARONSON, M. D.,
Assistant Professor of Medicine, the Chicago Medical School;
Chief, Allergy Clinic, Mount Sinai Hospital of Chicago.

DEPARTMENT OF STATE,
Washington, February 10, 1955.

Hon. EVERETT MCKINLEY DIRKSEN,
United States Senate.

DEAR SENATOR DIRKSEN: I refer to your letter of January 19, 1955, and its enclosures, addressed to Mr. Coulter, concerning the case of Mr. Asher Ezrachi, who has applied for an immigrant visa at the American consulate at Windsor, Ontario, Canada.

It is the Department's opinion that the American consular officer at Windsor would be warranted in finding Mr. Ezrachi ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act on the ground that the false statement relative to his marital status, which Mr. Ezrachi made in his application for a nonimmigrant visa at the American Embassy at Tel Aviv in 1950, constituted a willful misrepresentation of a material fact.

The Department has also concluded that a ruling of a special inquiry officer of the Immigration and Naturalization Service is not a ruling by the Attorney

General within the meaning of section 103 (a) of the Immigration and Nationality Act. In this connection, the Board of Immigration Appeals in a decision released December 30, 1954, summarized in the United States Law Week for January 11, 1955 (23 Law Week 2332), held that the decision of a special inquiry officer that a certain misrepresentation was not material was not a decision of the Attorney General within the meaning of section 103 (a) of the Immigration and Nationality Act.

The arguments set forth by Mr. Seymour S. Guthman in his letter to you of January 5, 1955, were duly considered by the Department in reaching the above-stated opinion.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 315), as amended, should be enacted.

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